THE

Unlawfulneſs

OF SUBJECTS

Taking up Arms againſt their

Soveraigne,

in what caſe ſoever.

Together with Anſwers to all Objections.

A work very ſeaſonable for theſe times, And may ſerve as a curb to the Treaſonable Practices of *Jeſuits* and other *State-Incendiaries*, Charles Nice Davies

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The

The Unlawfulness of Subjects taking up Armes against their Soveraign, *in what case soever.*

SECT. I.

HE that will endeavour to make the yoke of Government more easie, by setting a people loose from the restraints of positive laws, upon pretence, they may justly use their native liberty, and resume their original power, if civil constitutions, which were agreed upon for their good, be not effectual to that end, but prove disadvantagious to them, shall be sure to meet with many favourable Readers. Because the greater part of mankinde, as in other matters, so in this present case, are easily prevailed upon, to make a truce with conscience, and eagerly to prosecute what appears most profitable. And the chiefest cause of our miseries is, that they do not rightly apprehend what is truly advantagious. For States are framed upon a sinister opinion of men, they suppose most (as it doth commonly

The cause upon which men are misled to a desire of Innovation.

commonly fall out) will be diſhoneſt, yet if they be not unwiſe, and ſuffer themſelves to be carried on, as againſt conſcience ſo againſt intereſt alſo, a Kingdome cannot want plentifull means of ſubſiſting, of flouriſhing. The ground of theſe unhappy miſtakes, (which makes them advance publique ruine, wherein all ſingle men will be loſt, while they are vainly encouraged by deceiving hopes of being private gainers) can be no other but this. They rule their actions and deſires, but by one ſylogiſme, and look upon the immediate conſequence, which is a ſatisfaction of ſome particular ends, and ſerving ſome preſent turne, and have not ordinarily ſo much depth of underſtanding, as to be able to diſcerne the future evils, which will inevitably ſpring from the ſame Fountaine. They are not capable of that good counſell of *Polybius*. *Non tantum præſentia eſt ſpectare; ſed & futura proſpicere, & quis exitus inde futurus ſit.* The bait only is viſible to moſt, and accordingly the reall goods which are promiſed by innovation (for no Government being free from all evill, therefore every propoſal of change is eaſily baited with ſome good) are entertained with delight, but once unwarily ſwallowed, they become hooks in the entralls. It happens to moſt men, that they behold the children (as of their bodies, ſo) of their opinions; but the grand children of their tenents;

Quiſque naſcitur liber.

1. *Falſe, becauſe all are ſubject by nature to paternall power, and conſequently to the ſupream Ma-*

——— *Calliginoſâ nocte premit Deus.*

Nepotes diſcurſus, The further removed conſequences (though allayed in a right line) they have not ſtrength of reaſon to diſcover.

To inſtance in two main principles, by which the ſeduced multitude hath been tempted to catch at empty happineſſe, and thereby have pulled upon themſelves miſery and deſtruction.

The firſt is a Doctrine craftily inſtill'd into the minds of the people, upon no other foundation then a miſtake, in the meaning of true and profitable liberty, that the law of Nature doth juſtify any attempts to ſhake off thoſe

thoſe bonds impoſed upon them by Superiours, if inconvenient and deſtructive of native freedome: the fallacie of which is eaſily diſcerned by underſtanding men. It is true, if we look upon the Priviledges of Nature, (abſtracting from paternall dominion) Freedome is the birth-right of mankinde, and equally common to every one, as the Aire we breath in, or the Sun which ſheds his beams and luſtre, as comfortably upon Beggars, as upon the Kings of the earth. This Freedome was an unlimited power to uſe our abilities, according as will did prompt. The reſtraint of which would queſtionleſs have been very grievous, but that experience did demonſtrate, it was not ſo delightfull to do what ever they liked, as it was miſerable to ſuffer as much as it pleaſed others to inflict. For any that was ſtronger then his neighbour had it in his power to hinder him from enjoying the benefits of liberty; nor yet could the moſt powerfull man among them take any extraordinary comfort in this as yet hoſtile State, becauſe his minde was diſtracted with continuall fears, ſince there was not any ſo contemptibly weake, but that if he deſpiſed his own life, or deſired to enjoy it with more uncontrolled pleaſures, he might make himſelf Maſter of any other mans, though not by force, yet by ſubtilty and watching advantages, or at leaſt a few combining might deſtroy, the ſtrongeſt, and might be tempted ſo to do, for their fuller ſecurity.

giſtrate, to whom divine law confirmes the ſeverall powers which Fathers reſigned up. 2. If true it concludes not for them, becauſe our naturall liberty is reſtrained by conſent. The evils which flow from want of Government.

This was their unhappy condition amidſt fears and jealouſies, wherein each ſingle perſon look't upon the world as his enemy, and doubted (as formerly *Cain*, when he was excommunicated and cut off from the civill body) leaſt the hand of every man might be upon him; and to this confuſion the diſturbers of this State endeavour to reduce us, not that this ἀταξία, want of order, moſt hatefull to God, can be pleaſant to the moſt wicked man; but as knowing the effect of it, an inſupportable and generall calamity will quickly unite multitudes into a people again, and force them to reſtore ſome go-

vernment; and they may hope in a new compact to gain a greater ſhare in the rule, then their ambition hath been able to force from the ſetled Kingdome.

I will add the unvoidable occaſions of quarrell, extreamly oppoſite to the prime dictate of nature, the preſervation of themſelves, and to the means which conduce thereto, a peaceable enjoyment of the comforts of this life. For whileſt every one had right to all, no body could with ſafety make uſe of any thing; ſince when ſome would take to themſelves what others delighted in, their deſires and right being equall; there was no title but that of greater force, which could determine to whom it ought to belong, and this could not be known but by fighting, and this right reaſon abhorred, as by which men would either be expoſed to famine in the midſt of plenty, or elſe be forced daily to hazard the loſſe of their lives, out of a natural deſire of conceiving them.

The remedy of thoſe evils, civill unity.

The ſenſe of theſe calamities quickning their underſtandings to finde out, eaſily prevailed with their wills to entertaine a remedy of ſo great evills; which manifeſtly proceeding from diviſion, the ready cure was to make themſelves one, becauſe no body is at variance with it ſelf. There being no way to effect this naturally, they reduce themſelves into a civil unity, by placing over them one head, and by making his will the will of of them all, to the end, there might be no gap left open by ſchiſme to return to their former confuſion. Becauſe the wils of men, though the fountains of all voluntary actions, yet are not themſelves the objects of choice; (for we cannot will to be willing, (this would be infinite) but to perform what is commanded) and ſo are not capable of being obliged by compacts; therefore this ſubmiſſion of all to the will of one; or this union of them agreed upon, is to be underſtood in a politique ſenſe, and ſignifies the giving up of every mans particular power into his diſpoſall, ſo that he may be inabled to force thoſe who are unwilling upon ſome private ends

to be obedient for the common good; otherwiſe they would enjoy the benefits of others faith in obſerving laws, and the advantages of their own violations and breaches, which may probably be prevented, if penalties be appointed much greater then the profit which can come by their diſobedience; becauſe as men are naturally tempted by hopes of good, ſo they are as naturally deterred by a certain expectation of greater evills.

Thus alſo by transferring every particular mans power into the hands of one, is not meant a reall laying down and naturall tranſlation of their ſtrength, (becauſe their nerves and ſinews are not alienable, as their money and goods) but a conſent and mutuall obligation (as of all to one, whether he be King, as in a Monarchy; or ſome Nobles, for they are one too, as in Ariſtocracy, ſo of every one to each other) of not uſing their naturall power, but only as Law ſhall require, that is, of not reſiſting that body in which the ſupream power is placed, as likewiſe of aiding him, or them by vertue of that promiſe, or of that oath, according to the nature of the contract, when he or they ſummon their ſtrength.

By what is laid down, may be diſcovered the weakneſſe of their ſecond principle (which hath done moſt miſchief and till it be thoroughly rooted out of mens minds, the ſeed is ſtill left behinde, from whence rebellion will ſpring) the falſehood whereof, I thought fit to manifeſt in relation to the peace and quiet of Chriſtendome, and the world in generall, it not at all concerning His Majeſties caſe, who was ſo farr from offering violence, that it was the extraordinary mercy of God upon this Land, that did enable him to defend his life againſt it, his Magazines, and Forts, and Ships, that is, all his civill power being taken from him, and an Army actually raiſed againſt his perſonall ſtrength, (for His Majeſty had not granted one Commiſſion to raiſe a man, when they began their *defenſive* Warr) ſo that *Lucans* expreſſion might ſeem fitted to this Kingdomes miſery.

Parque novum fortuna videt concurrere bellum
Atque virum ———————

The doctrine is; the law of nature will defend us, whoſoever will kill, though the King in our own defence, and we are acquitted by that principall *vim vi.* (nay, ſome go higher, and make it unlawfull not to reſiſt even the higheſt authority, it being a ſinne againſt nature, &c. whom the examples of the holy Martyrs and of Chriſt himſelf do clearly confute, though they cannot ſatisfy them.) I will briefly anſwer it, as meaning to enlarge my ſelf thereon in the following diſcourſe.

Native right reſtrained by poſitive obligation.

It ceaſes to be lawfull, after we have made our ſelves ſociable parts in one body, becauſe we voluntarily and upon agreement reſtrained our ſelves from making uſe of this native right, and the renouncing this power by mutuall compact will appear very conſonant to ſound reaſon, whether we look upon the benefits inſuing thereby, or the miſchiefs avoided. For it is a more probable means to the attaining that very end, in relation to which they plead for it, the preſervation of particular perſons. Upon his condition of oblidging our ſelves not to reſiſt publique authority, in requitall for this ſubmiſſion of our private ſtrength, we are ſecured by the united power of all, and the whole Kingdome becomes our guard. And it is moſt likely we ſhould be leſſe expoſed to injuries, when that impartiall and equall meaſure of right, the known law, is by this means, maintained. The evills which would flow from this licence to reſume our power againſt contracts, are infinite. Our own feelings too fully inſtruct us in the ſad effects, and I doubt not but the wearineſſe of our preſent ſufferings, and the expectation of growing miſchiefs, will be powerfull beyond rhetorick to perſwade us to value highly the publick tranquility. I am confident, if the people of this Land (whoſe eyes have been opened of late, and they are now ſenſible, that to continue violences to His Majeſty, hath introduced a neceſſity of oppreſſing them, and that

Prudential motives for parting with ſome rights of nature, without power to reſume them.

they

they are bound to be undone in order to the injuries to their Soveraign) were able to deliver themſelves from their defenders, we ſhould ſuddainly be reſtored to happineſſe, and it would be as hard a matter to engage them in a civill warr, when they had again taſted the ſweetneſſe of plenty and quiet, as it is to perſwade them to agree to peace, who challenge a legall power by the title of Warr to diſpoſe of the Kings and Subjects Revenues at pleaſure.

As reaſon induced men to enter into ſuch a Covenant, and to lay a mutuall obligation one upon another, not to reſiſt authority upon what ever grounds, whether of fancied, or reall injuſtice, but to ſubmit their actions and perſons to the ordinary triall, though it might poſſibly happen, that ſome particulars would be ſentenced unjuſtly, becauſe a farr more conſiderable good could not be obtained, unleſſe by agreement patiently to ſubmit to this poſſible evill, ſince the common peace and quiet, cannot be effectually provided for, if it ſhall be indulged to any, to appeal from the Laws to themſelves, and to judge their Judges: So honeſty and Religion ſtrictly binde them to preſerve their faith intire, and this contract inviolable.

The paines I have taken, to lay open, by way of introduction, to the view and examination of all that deſire reall ſatisfaction, the foundation upon which rule and ſubjection are built, will appear not ſo delightfull, as it was neceſſary. And it is no otherwiſe in the works of Art, *operum faſtigia ſpectantur, latent fundamenta*, paſſers by admire the ſuperſtructure, when that ſtrength which ſupports the moſt elegant piles, lies deeply buried in the earth, and unregarded. It were very ſtrange, if any man ſhould be ſo prodigiouſly weak, as to ſuffer himſelf to be perſwaded to remove his Chambers and Galleries into a healthier ayre, a pleaſanter proſpect and more commodious Scituation; and yet the ſame unreaſonable advice is hearkned to, concerning the Ci-

vill frame, without any consideration of the groundworks. *Populi salus suprema lex*, is the Engine by which the upper rooms are torn from the foundation, and seated upon fancy onely, like Castles in the aire. For the safety of the people is really built upon Government, and this destroyed, the other, *non jam ædes, sed cumulus erit*, will be soon swallowed in the common confusion; but this is evidently and demonstrably ruined by these principles. For Government is an effect not of a peoples divided natural powers, but as they are united and made one by civill constitution, so that when we call it supream power, we impose an improper name, and have given occasion for mistakes (yet I shall not endeavour to alter the common use of speaking, but onely to prevent a misunderstanding of it) because indeed this power is simply one, and when it doth expresse it self by one person or more, according to different formes) who yet are but severall parts of one Governour, there is not lefe the Kingdome or Common-wealth, any civill, that is any legall power, which can appear in resistance, because all of them have bound their naturall hands by a publick agreement.

The foundation upon which States are seiled, overthrown; if the people be made Judges of their safety, and allowed to use any means which they fancy conducing thereto.

Hence it follows, those that will allow any power to Subjects against their ruler (let it be, one man, or many united by one common forme, which is the consent of the major part, and this is not capable of division) doe thereby dissolve the sinews of government, by which they were compacted into one, and which made a multitude a people, and so break the Common-wealth into as many peices, as they have set up opposers against it. For there can not be two powers, and yet the Kingdome remain one. This is that, which distinguishes *France* and *England* and *Spain* from one another, because they have three powers legally distinct, and are the same in relation each to other, as three particular men meeting in some wildernesse, and considered as not having agreed to any Laws of Society.

Liberty to resist those in whom the Law places jus gladi, *the right of the sword, destructive to the very nature of Government.*

I 1

I am fully perſwaded, no ſober man can imagine the policy of the State is ſo defective, as to open a neceſſary way to its own ruine, that is, to divide the Kingdome legally in it ſelf; and therefore it muſt neceſſarily be granted, thoſe that take up Armes being not authorized ſo to do by law, are guilty of rebellion, and the conſequences of it, murder and rapine. It is very eaſy to determine, whom the Law hath armed with power, becauſe not any part of the people, not the two Houſes, but the King alone is ſworne to protect us, which is an evident argument, he is enabled to effect this end, and that the neceſſary means to compaſſe it, which is the *poſſe regni*, is at his diſpoſall.

By theſe generalls throughly digeſted, and rightly applied, we ſhall be able to rule particular deciſions.

I ſhall deſire one thing eſpecially may be remembred, as which hath great influence upon all caſes. Though what is truly the right of any one, doth not ceaſe to be ſo naturally by anothers ſentence to the contrary; yet after poſitive conſtitutions, upon a Judges deciſion, he can challenge no title to it, becauſe by his own deed, and conſent, he paſſeth it away in that judicary determination. And equity and prudence both dictate, that it was a moſt honeſt and reaſonable agreement, as conducing to publick peace, and the quiet of mankinde, that perſons publickly conſtituted and more unconcerned in the deciſions, ſhould put an end to all debates. Becauſe otherwiſe the controverſie was not likely to be ended, but with one of the parties; For each man out of naturall favour (the ſtrongeſt corruptive of judgment) inclining to his own Intereſt, there was nothing left but force to determine it. There cannot be a more unhappy adminiſtration of Juſtice, then when ſtrength is made the meaſure of right, and when all Judges are bribed as paſſing ſentence to their own advantage.

SECT.

SECT. II.

THe following Section ſhall be ſpent in proving the propoſition, by which the conſciences of all Subjects muſt be directed.

It is unlawfull to reſiſt him, or them in whom the ſupream authority, (that is, all the legall power of the Kingdome) is placed, and no diſpenſation (grounded upon what perſons ſoever, as inferiour Magiſtrates, or on any cauſe, as the extream abuſe of this power to their oppreſſion) can excuſe ſuch reſiſtance from the ſinne of Rebellion.

Upon this pillar not only Monarchy ſtands firm, but all other Governments are equally ſupported; the generall reaſon being applicable, according to the difference in ſeverall formes.

In the third Section, I will bring the caſe home by our ſelves, by proving this aſſumption; The King of *England* hath this ſupream power, and then I ſhall leave it to every mans conſcience to inferr the concluſion, therefore it is unlawfull to make reſiſtance againſt their Soveraign.

In the fourth Section, I will anſwer all the evaſions, (how plauſibly ſoever founded) which I could meet with in the ſeveral writings of thoſe men; who, though they ſtrike at the King down right and more immediately, yet by plain and evident conſequences, they deſtroy all civill ſociety.

By way of concluſion, I will ſhew, though ſuch a power of reſiſtance, as they or any others have yet openly pleaded for, ſhould be granted lawfull (as when in their own defence, or when he that hath the higheſt authority, and is bound by the Law of God and his own oath, to adminiſter juſtice equally, yet after frequent repreſentations of their grievances, and moſt juſt Complaints of their great ſufferings, affords no redreſſe) yet this can

be

be no justification of the present Warr against the King, nor acquit the Actors in it from being Rebells. Because this cause is evidently not now, as will appear after a view taken of the causes of this unnatural, and illegall division.

The proposition to be proved, is, It is unlawfull to resist him or them in whom the supream authority (that is, all the legall power of the Kingdome in order to raise Armes) is placed, and no dispensation (grounded upon what persons soever, as inferiour Magistrates, or upon any cause, as the extream abuse of this power to their oppression) can excuse such resistance from the sin of Rebellion.

Differences between not obeying against Law; and hostile resistance to a lawfull Soveraign.

I make no question every man will apprehend, that by resistance here, is meant only hostile opposition, and not a refusall to put unjust commands (measured by divine or humane laws) in execution; for the truth is, if they are, or seem repugnant to Gods Law, for then they are so really, in respect of those who have that apprehension; *idem est esse & apparare*, in this case of good and bad: (because whatsoever is not of faith, is sin) we must conform our practise to that standing rule, layed down by the Appostle, *Deo magis, quam hominibus, We ought to obey God rather then men*, we are bound (to use *Tertullians* phrase) *temperare majestatum Cæsaris infra Deum.* The reasons to the contrary for absolute and unlimited obedience have no solidity.

Active obedience against Gods law, sin.

Objections to the contrary.

One is upon a false supposal, that at our enterance into civill society we submitted (as our wills, by which is meant not the faculty, but the effects of it, which were in our power, and which are subjected as farr as they were in our power, that is, in all honest performances, for *peccare non est nostri juris*, so) our understanding, and consequently, though in our private opinion, such actions were unlawfull, yet if commanded and said by our Rulers to be just, our publique judgment (which we had given them right to passe upon good or bad) did pronounce them honest.

A ſecond argument is, though we think ſuch actions unlawfull upon a particular comparing them, with the meaſure of right and wrong, divine precept, or prohibition; yet from a more generall reaſon, we think this thought of ours condemning ſuch actions, to be an errour, and ſo if we do, what we think in our private judgment God hath forbidden, we do *contra opinionem agere, ſed non contra conſcientiam*, practiſe againſt our opinion, not againſt our conſcience, becauſe that is ſwayed by this generall reaſon. If when Rulers ſay ſuch a thing ought to be done, I ſay, it ought not, the ſence of it is: I am wiſer then they. But if I grant them the more able men, I muſt needs think they are likely to make truer judgment, and ſo am bound to ſubmit to the greater diſcretion, becauſe in morall differences, which are not capable of demonſtration, I muſt guide my practiſe by the higheſt probabilities of good. If Sheep knew how apt they are to go aſtray, they would be content to be guided by the ſhepherd, and therefore Governours, who are ποίμνες λαῶν, are to direct us in the wayes of ſafety. He that ſhall undertake to be his own maſter, will have a fool to his ſcholler; and he that refuſes to follow his guide, and fancies ſome private turnings, is likely to miſſe his way, and through many wanderings, to come weary to his journeys end.

A third argument is, to challenge to our ſelves the judgment of good and evill, is the fruit of that bitter root of *Adams* diſobedience; *Eritis ſicut Dij, ſcientes bonum & malum*, was the temptation, and the ſinne was, he did eat of the forbidden tree of *knowledge of good and evill*. He was not content to be acquainted with good only, ſubmitting to (that which made actions good or bad) the command or prohibition of him, who had dominion over him, but began to examine the juſtice and reaſonableneſſe of them, and ſo would make himſelf like the Law-giver.

The

The anſwer hereto is eaſy by diſtinguiſhing thoſe things in which God will require from every one a liberty of judging, and a conformable obedience, from things more obſcure, and which will require a deeper ſearch then ordinary underſtandings can make. *Anſw.*

Of the firſt ſort are the plain and familiar truths laid down in Scripture of which St. *Paul* bindes us to be ſo confident, that though an Angel from heaven ſhould preach any other doctrine, we may not admit it. As likewiſe many morall duties eaſily diſcerned even by weak apprehenſions. If this were not ſo, the Apoſtles rule could not lawfully be made uſe of, *we muſt obey God rather then men*; and the people would be bound to follow their blind leaders into the pit of deſtruction. For Chriſt tells us both ſhall fall into the ditch. But the Apoſtle allows them to whom he ſpake, to examine his doctrines of this nature, by the rule of their own underſtanding. I ſpeak as to them which have underſtanding, judge ye what I ſay, and judge in your ſelves, is it comely, *&c.* and in the verſe following, doth not even nature it ſelf teach you? *&c.* This caſe is clearly decided in the 14. to the *Rom.* where we learn, if we condemn our actions, though in themſelves not blamable, yet to us they are ſinn, *v.* 22, 23. Happy is he that condemneth not himſelf in that thing which he alloweth. He that doubteth, is damned if he eat, becauſe he eateth not of faith; wherefore he gave a generall command in the fifth verſe, let every man be fully perſwaded in his own minde.

Of the latter ſort are things more intricate, & which cannot without great difficulty be judged of. Being ſuch for the moſt part wherein not mens honeſty but their prudence is exerciſed. And here a ſubmiſſion of judgment is very reaſonable. As in law caſes to be ſwayed by the profeſſors of it, or if we build a houſe to be directed by Artiſts, or in a tempeſt to take the moſt probable way of eſcaping, by relying on the pilats

ſteering

steering the ship, and forbidding unexperience passengers to run to the helm confusedly and alter the course, according as their ignorance, and fears prompt them, upon a conscientious madnesse, that they shall be accessary to their own death, if they put their lives out of their own hands, though they commit them to seamen, whose experience hath better enabled them to avoid the Rocks and the shelves: And thus in civill Government wherein the greater part of men can have no great insight, to trust the managery of the publique safety, to persons wiser then themselves, and to binde one another to perform al offices in relationto this end, according as they shall be commanded by their governours, and not to rule their law-givers by disputing the unreasonablenesse of what is injoyned. And to this captivating of their understanding religion obligeth them; for God is not a God of sedition, of mutiny, and confusion, but of unity, order, and of peace.

The case thus resolved produceth an excellent temper in mans obedience; as by which we render to *Cæsar* the things which are *Cæsars*, and to God the things which are Gods. Be subject to every ordinance of man for the Lords sake. This binds universally, those onely cases being excepted, which God expressely and evidently reserves to himself; and in them we must take law from the more powerfull. Fear not them which kill the body, but are not able to kill the soul, but rather fear him which is able to destroy both soule and body in Hell.

No inconveniencies from this Doctrine rightly stated God to be obeyed rather then men.

This liberty of denying obedience can neither be offensive nor dangerous to authority.

First, not offensive, because Magistrates can challenge no more right over our actions, then God gives them, or we our selves had, before we submitted them to their commands; which was none in this supposed case, because a dishoneſt deed, *non est nostri juris* is not in our power. We can no more passe away by promise Gods right to our obedience, then we can covenant to transfer

fer and give away another mans goods or demeaſnes.

Secondly, It is harmleſſe in the conſequences, becauſe if any out of a reall or ſeeming repugnance to divine precept, deny active obedience, they muſt confeſſe themſelves obliged by the ſame conſcience of obſerving the Law of God, not to reſiſt that authority, which he hath armed *jure gladij*, with the right of uſing the ſword, probably to this end, that Religion might not be a cloake for Rebellion, and that we might not dare out of the fear of God to violate the order of divine providence; by which he hath thought fit to govern the world. This is the patience of the Saints, which ſhall be rewarded with heaven, becauſe they ſuffer, rather then do evill for earthly conſiderations, as being aſſured, God hath forbidden them, though for prevention of their particular and undeſerved miſery, to diſturbe the publike happineſs, by reſiſting that power, which Scripture tells them is from above. It oft times pleaſes God to make uſe of ill Governours, and their unrighteous judgment may be his juſt ſentence for our former tranſgreſſions; if it be his will to ſcourge us by them, no ſmart ſhould tempt us to cut his rodd in pieces.

Becauſe generally men are hardly brought to entertain a truth, which ſeems diſadvantageous to them, and comes in ill company, attended with affliction, *Quis enim facilo credit, propter quod dolendum eſt?* (though this ſhould not be amongſt Chriſtians, who are *crucis candidati, & quibus frui fas eſt Diis iratis*, and who ought to rejoyce in their preſent ſufferings, as the exerciſe of vertue, and that way to eternall glory, which our Saviour hath chalked out both by example and precept:) I will uſe the greater diligence in evidencing this point by all kinde of proofs, of which the matter is capable.

If we look back to the Law of Nature, we ſhall finde that the people would have had a clearer and more diſtinct

Difference between Law of Nature & Right of Nature.

ſtinct notion of it, if common uſe of calling it *Law* had not helped to confound their underſtanding, when it ought to have been named the *Right* of nature; for *Right* and *Law* differs as much as Liberty and Bonds: *Jus*, or right not laying any obligation, but ſignifying, we may equally chooſe to do or not to do without fault, whereas *Lex* or law determines us either to a particular performance by way of command, or a particular abſtinence by way of prohibition; and therefore *jus Naturæ*, all the right of nature, which now we can innocently make uſe of, is that freedome, not which any law gives us, but which no law takes away, and laws are the ſeveral reſtraints and limitations of native liberty. Upon this ground I have ſhewed already the right of nature cannot be pleaded againſt poſitive conſtitution, that being a permiſſion only, and not an injunction, and therefore ceaſing by a ſubſequent obligation ariſing from promiſe and compact, when multitudes became one Civill body.

Their own Scheam of Government ſerves our turn, & juſtifies the Kings cauſe.

I was unwilling to weary the Reader by an unprofitable debate, and different ſtating of the originall of power. For though it be moſt true, that paternal authority was regall, and therefore this of Gods immediate conſtitution, and founded in nature, yet is not much pertinent to the preſent deciſion, nor can it neceſſarily concern modern controverſies between Rulers and People. Becauſe it is moſt evident, no King as this day (and much leſſe other Governours) holds his Crown by that title, ſince ſeveral paternal powers in every State are given up, and united in one common Father, who cannot pretend a more immediate kindred to *Adam*, then all the reſt of mankinde. For this conſideration, I thought fit to lay down their own Scheam of Government, and let them make what advantage they can, by preſenting to your apprehenſion a multitude before a people, like a heap of ſtones, before they are cemented and knit together into one building. I ſhall only deſire my adverſaries would

not

not betray so much want of ingenuity, as to make this favour of joyning issue upon their own principles, a contradiction. For I thought it losse of time to insist upon their mistakes in the manner of derivation of power, when all of us agree well enough in the thing. That after the multiplying of mankinde, there was an Anarchy is confest, only they impute it to a want of all Law and Rulers, and we derive it more naturally from the multitude of Governours, whose wills being various, were so many distinct Laws to those that who were under them, when in every family was a Kingdome.

(Θεμιστεύει γὰρ ἕκαστος
Παίδων ἠδ' ἀλόχων.

as *Euripides* describes the *Cyclops*: their subjects were their own flesh and natural Princes, being wives and children) when there were so many absolute Princes within the compasse of a Parish, that a man had scarce room to walk in a Territory; when a Commonwealth was lodged in a Cottage; this πολυκοιρανίη was the mother of confusion, and by reason of such a multiplicity of Kings, it was not ill stiled χρόνος ἀβασίλευτος. Though they had absolute power, yet it was confined within a narrow compasse, and if they exercised any jurisdiction, or made use of their liberty to the prejudice of neighbour states; this begot controversies, and both parties having right to be Judges in their own causes, they made force the measure of decision, and who was strongest could not be known, but by the issue of the warr.

——— *Quis justius induit arma*
Scire nefas, summo se judice quisque tuetur.
——— *Hæc acies victum factura nocentem est.*

To prevent those fatall mischiefs to which they were subject, while they lived in this hostile State, evidently occasioned by their divided powers, a way was found out by making their individual strengths, and the many narrow authorities (which still jussled one another)

one legall power, and this was placed then with great prudence in one perſon, to the end the cauſe of their ſufferings might be fully taken away, and that there might not be left a poſſibility of relapſing into their former miſeries, which proceeded from oppoſition between equall authorities. Thus I grant to them their own Scheam, yet without prejudice to that truth delivered by *Cedren*, who makes *Adam* the Catholique Monarch: Οὗτος ἡγεμόνευσε τῆς γῆς τῶν ἀνθρώπων, ἓν ὄλης αὐτῶν ἀρχῆς.

As reaſon firſt repreſented to them Monarchy, as the moſt perfect forme, (from which their want of Government was a defection, for we may ſay of Anarchy, *Non fuit ſic ab initio*) ſo ſenſe confirmed it, they having happy experience of thoſe eminent advantages peculiar to this conſtitution, as unity, ſecrecy, and expedition. The *Roman* ſtory doth approve this wiſdome, by the acquainting us with the fatall miſcarriages, and bad ſucceſſes of their Armies, when commanded by two Generalls. And if we look upon this State in peace, we ſhall finde by putting down Kings they laid the ſeed-plot of thoſe many miſerable civill warrs, with which that people was ſo frequently, ſo extreamly afflicted.

The government of Rome *according to the forme, democratical but according to the practice, an illegall Monarchy.*

The forme of that Commonwealth was Democraticall; but if we judge of it, not as eſtabliſhed by Law, but according to the practiſe almoſt in all times, we muſt pronounce the Government an illegall Monarchy. For either ſome one man governed the Senate, and made them an inſtrument to oppreſſe the people, or elſe (according as was apteſt to advance his intereſts) ſiding with the people, and telling them the Nobles took too much upon them, he by their power compaſſed his private ends under the names of common good, and publick ſafety.

Different judgment

The truth is, the different judgment of the beſt ſtate doth *de facto* open a gap to ſedition, becauſe men naturally

tually desire to live most happily, and are easily tempted to contribute their endeavours to any change, which they fancy for the better; though in right it ought not to be so, notwithstanding some forme might be proposed, which were really more perfect, because our faith once given to the present Government, cannot be recalled; this civill union is as fast tyed as the marriage knot, we are bound to take it for better for worse. And if otherwise, States would probably be shorter liv'd, then men, as having their foundation on the sands, that is, on the inconstant wills of the people, who are blown about with every winde of contrary discourses. But in this Dispute, concerning the best forme of civill society, there is a great fallacy, as yet not fully discovered. Schemes are drawn in speculation, & politique discourses are framed, which bear much resemblance with some figures of Mathematicians, which are made with much ease upon paper, and with apparence of solid demonstration, so that the Schollers not able to object against it, entertaine it for certaine knowledge. But when reduced into practice in wood or stone, the failings are presently seen, and their contemplations appear vaine and unprofitable, because they did not take into consideration the capacity of the Subject, on which they were to worke, nor fore-saw what resistance the matter would make. This errour is committed in the comparison of States, and many plausible reasons are laid down for the rule of the Nobles, or of the people; which are best confuted by experience. For, when it is debated, whether Monarchy be the most convenient government, the true sense of it is this. (if we judge according to the frequent practice, which in Politiques is made the most reasonable measure of Laws) whether the people will live more happyly when Law places the supream power in one, and nominates that person (by which no roome is left for division) or when one man being more active and crafty then his fellows, who ought

of the best forme of government, ost-times the cause of sedition.

Fallacy in discourses, concerning what kinde of Government is best.

to have an equall ſhare in this authority, raiſes a faction upon plauſible pretences, and under colour of ſerving his ſide, perſwades them to be commanded by him, and ſo exerciſes the ſupream power in an illegal way: which as it is compaſſed by ingaging the people in miſery, under colour of making them more happy, ſo it muſt be kept up by as bad arts, and an Army muſt be maintained, to make good by force, what Law cannot juſtify.

I do not wonder, (for it is no ſtrange thing, part of the people ſhould be unwiſe) that ſome ſhould be induced to caſt off Monarchy. They are told, it is very unreaſonable that one ſhould have all the power,

(Toto liber in orbe
Solus Cæſar erit;)

They may upon the ſame ground perſwade them to quarrell with God Almighty. Their meaning is (though they dare not ſpeak out) there is no Government good, unleſſe they have a ſhare in it. This intereſt of being joynt Soveraignes, makes them unable to ſee, or elſe willing to diſſemble the apparent dangers which diviſion threatens, as likewiſe the great diſadvantages which wait on ſlow proceedings, (counſels as well as men, growing weak by age) and the unhappy miſcarriages of brave undertakings, becauſe not managed with fitting ſecrecy. All theſe three are plainly ſpoken in many Governours, Faction, Delay, Openneſſe.

By what means ſo many of the people are miſled unto Rebellion.

The method whereby the peoples affections are poyſoned, and woone to a diſlike of the preſent State, and by degrees, brought firſt to deſire, then to attempt an Innovation, is this. All the defects (how unavoidable ſoever, by reaſon of ſecret lets and hinderances not to be foreſeen, as depending upon many circumſtances, which are variable according to other mens wills, and which they have not the honeſty to put the people in minde of) are with great care repreſented to their conſiderations, and much diligence is uſed to ſet before them a perfect Catalogue of what ever faults have been committed

committed by inferiour Magistrates and under Officers; and as they have excellent memories in repeating grievances, so they have learned an art (very convenient for their ends, and for creating a misunderstanding between King and people, that they may manage the discontents of the Subject to advance particular designes) to forget the severall satisfactions given by Princes, when upon generall complaints, they are fully instructed in their Subjects suffering.

The next work is to assigne such a cause of these corruptions as shall open a way to the alteration they aime at, which is, to impute them to the nature of a monarchicall government, by telling them, their happinesse is built upon a very uncertaine foundation, the will of one man, and if he be bad, they must surely be miserable.

Lastly, a promise is made, of healing all their evills and the remedy is, *multitudo medicorum* (the same plausibilities may be urged to perswade an entertainment of many Physicians about a sick person, as about a distempered State, but experience masters these reasons, and hath demonstrated the danger of it) they must place the Soveraigne power amongst many, to the end, if one should faile of his duty, others may supply it, if one should be willing to oppresse, others may be able to protect them. It fares with men in the distempers of State, as in those of their bodies; They are easily induced to make tryal of what any man tells them will do them good, and they have the strongest phancies to those things of which they have least experience. But the Fallacy which abuses the people is *non causa pro causâ*; there ever was and alwayes will be matter of Complaint, under what kinde of regiment soever we live, and till men be absolutely perfect, the Government cannot be so; voluntary corruptions, and naturall frailties must have an influence upon every state. This tampering

with the Body to reduce it to perfect health, hath overthrown many excellent constitutions, and such kinde of physick proves the most dangerous disease. Wherefore we must not fall out with our selves upon every distemper, and presently think of altering our naturall habit, least we make our selves well onely as dead men are so. It may become State-doctors to take notice of *Hippocrates* his Aphorisme, *consueta longo tempore, etiamsi deteriora, insuetis minùs molesta esse solent.*

It will concerne us in prudence to take that course which will convey to us the greatest goods, and is the most probable way of avoiding the most evills. And this I conceive monarchy is most likely to effect, and I make no doubt, the people would be of the same opinion if their affections had not been craftily prevailed upon, by that miserable fallacie of unequall comparison, between a King not performing his trust, and Nobles not failing of their duty (as if the word ἀκρατεία or optimacy would warrant it,) whereas if they were put into a just ballance they ought to be supposed both good, or both bad, and then a true judgment might be made of the mischiefs and advantages: Then we should clearly discerne, we have greater hopes under a vertuous King (suppose both good) and greater fears under a vicious Nobility or Senate (suppose both bad). And besides, there is one very considerable circumstance, which ought to rule much in the decision; it is much more probable we shall have a good King, then a good Nobility. (I take good in a politique sense, for that only concerns the present dispute, and understand it in this notion, as providing for the peoples happinesse.) Because his interest is the same with that of the People, which is strong State-security; whereas that of particular Nobles, and much more of men of lower rank, where such are admitted, is divided from the publique happinesse. The Commonwealths of *Greece* will afford many examples of persons selling their Country, and putting the

Fallacie of unequall comparison.

Greater hopes in Monarchy; greater fears in an Aristocracy.

Great

Great Councell upon ill attempts, and labouring with their utmoſt cunning to fruſtrate good deſignes, becauſe their dependence upon a foraign Kingdome or State, was worth much more unto them, then they could hope to gaine by honeſt ſervice to their Country.

Kings intereſt the ſame with the peoples; that of Nobles divided from their happineſſe.

Firſt we have greater hopes under a vertuous King: becauſe upon ſuppoſall that both be willing to promote the peoples happineſſe, yet he is more able to compaſſe that end, by reaſon he hath a more united power; and the execution of whatever deſignes, depends but upon a ſingle reſolve, and therefore may be managed with certain cloſeneſſe, and all convenient ſwiftneſſe, ſo that good counſells ſhall be firſt diſcovered in the effects; whereas a great body moves ſlowly, and moſt times the opportunity of doing is gone by, while they are but half way in their deliberation.

Much greater happineſſe in Monarchy.

Subjects, living under good Lords or Senators (ſuch as value the honour of being eſteemed worthy patriots, above the advancing their own fortune, or raiſing children, or preferring friends, *ſubſidia dominationi*, or enriching kindred, and theſe qualities rarely meet in the major part of an aſſembly) ſeem to me to be in the ſame ſtate, as children who have loſt a father, and whoſe fortunes by his care are left to Feoffees in truſt; theſe though extreamly honeſt, yet by reaſon of neceſſary particular cares, which more immediately concerne them, and becauſe they are many, and ſo every one expects the reſt, will probably be careleſſ to performe this truſt, and therefore he may be ſpared, and allowed to ſpend his time more advantageouſly in improving his own eſtate, eſpecially this performance of faith to a dead man being a very barren vertue, either the wages being paid before, or elſe nothing allotted. He preſuming upon their goodneſſe and frequent deep Proteſtations of loving his equall to themſelves, and thinking it an unworthy thing, to ſet a price upon an old friends fidelity, and ſo leaving it to be rewarded onely by heaven, and

the ſame honeſt care in others of their children; Theſe I ſay, out of reall or very plauſible hinderances, are forced to neglect the childrens portions, and the poore Orphans receive uncomfortable ſatisfactions. They would have been in much better condition, though ſtrangers in worldly affaires, if wholy left unto themſelves, becauſe their neceſſities would have quickned them; whereas now their hands are tyed up from helping themſelves, and all they can contribute towards making themſelves Maſters of their own fortunes, is a fruitleſſe impudence in vainly importunating the curators: So is it moſt times in the Government of many, though underſtanding, and good men; which is a rare happineſſe, and yet no ſecurity againſt miſeries, becauſe *onus commune negligunt ſinguli*, what belongs to their common care, frequently miſcarries by particular negligences.

Greater miſeries in Ariſtocracy.

Secondly, We have greater fears under vicious Lords or Senators; That is, it ſtands with clear and evident reaſon, we ſhould be more miſerable, living under many Tyrants, then under one. The thirty tyrants of *Athens*, and the Decemviri of *Rome*, and that ſtate variouſly oppreſſed, ſometimes by the Senate, ſometimes by the people, and at length to prevent ruine *cadens in ſinum imperatorum*, are examples of this ſad truth. That which makes a people out of love with Monarchy, is a contemplation of the miſerable conſequences of abuſed power, whereas the Government by a Senate is more apt to degenerate, and the oppreſſions under it are more intolerable.

Monarchy, a more healthy conſtitution.

As there are many advantages peculiar to Monarchy, ſo there is not any one inconvenience to which a people living under an Ariſtocracy (as to inſtance for the better underſtanding it, under a Parliament as it is now miſtaken for the two Houſes challenging abſolute obedience to their Ordinances, without the Kings ratification, nay, againſt his plain denyall, by which they

they are null by the Law of *England*) are not subject in a much higher degree.

Let us suppose a Prince to be lustful, or cruel, or covetous, or prodigal, and wasting what might be imployed on the publike upon favorites: If these vices are so grievous, when confined within one brest; to what height will our misery swell, when they shall be scattered through all parts, and be active in each corner of the Land? Their wives and daughters may be safe by distance, and live out of the reach of one mans embraces: If his lose desires are so insatiable, how can they weary those of so many! Secondly, it is more easie not to incur the hatred of one, whereas there are scarce possible ways of compliance with so many cross humors. One will never fall out with all; for he knows, he should have an ill match of it, whereas the whole State may suffer by cruelty exercised by divided oppressors, because each man gives full reins to his revenge, as thinking it safe enough, the fears from a few persons crusht by him, being below the delight of manifesting his power in his enemies calamity. Thirdly, the covetousness of Senators is more devouring, because we may feed one fire with less expence of fewel, then a hundred. And fourthly, a Princes profuse spending upon favorites is infinitely over-ballanced by so many providing for their poor kindred, and making friends, and purchasing dependants. This art (very necessary to all men imployed in State affairs, who are subject to various censures) of underpropping their reputation, and hiring Advocates to plead for them in their absence, must draw out very considerable sums, and be more chargeable to the people (from whom the supplies must come) then the bounty of one man, though showred down over-plentifully upon some few privadoes. The wisest States have ever made ample allowances to enable their Prince to bestow favors according to merits, or liking (the priviledges of every private man) it arguing a noble soul to be bountiful.

The diseases of a Senate more violent.

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Eaſie remedies for a ſick Monarchy.

The diſeaſes of a Senate incurable.

It hath been ſhewed already, that Monarchy is a more healthy conſtitution, and that when ſick the diſeaſes of it are leſs violent, and it will eaſily be made to appear, they are more curable. Good counſel, or at leaſt age and experience hath reformed many Princes; but however our grievances are mortal, the death of one opens a way to better hopes: but the corruption of a Senate ends in diſſolution. *Tacitus* gives a full character of the diſtempers which are fatal to a degenerate Senate. *Inter Patres plebemque certamina exarſere, modo turbulenti tribuni, modo conſules prævalidi; & in urbe at foro testamenta civilium bellorum. Mox e plebe infima C. Marius, & nobilium ſæviſſimus L. Sylla victam armis libertatem in dominationem verterunt, a. hiſt.* There aroſe hot contentions between the Nobility and Commons; now the factious Tribunes bore ſway, then the Conſuls kept them under. In the City and the place of publike aſſembly there were frequent skirmiſhes, the Preface and Eſſays to a civil war. Anone *Caius Marius*, the meaneſt of the Commonalty; and *Lucius Sylla*, the cruelleſt amongſt the Nobles, deſtroying their liberty and property by the aſſiſtance of their illegall *Militia*, introduced an abſolute and unbounded Government.

The miſeries of a Kingdom when a child governs, an argument for Monarchy.

There be ſome, with whom that of Eccleſiaſtes prevails, *wo to thee O land, when thy King is a child*, and they think it a ſtrong argument againſt Monarchy, becauſe this calamity is not incident to a Senate, they not being ſubject to non-age. But this place rightly underſtood, is a very full confirmation of the happy condition we have reaſon to expect under Monarchy, and of the calamity and woes which probably attend an Ariſtocracy. For the cauſe of thoſe miſeries foretold is plainly this; A King during his infancy being not able to rule, the government is managed by the Nobles. Whence we learn, that change which the people oft times with ſinful earneſtneſs, labor

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for, is to be found in the catalogue of Gods judgements, and they sue for, and by wicked arts endeavor to compass their own punishment. It is an argument of Gods great mercy to them, that he fights against them; if he were thoroughly angry, the designes of innovators would have better success. This truth is warranted by Scripture, *For the transgression of a land, many are the princes thereof: but by a man of understanding and knowledge the state thereof shall be prolonged*, Proverb. 28. 2.

To all these corruptions a popular state is more subject, and the imperfections of it are so much the greater, as it is farther distant from Monarchy; the temper of it (which is unity, the soul of government) being more easily dissolved. Those which cry it most up, will be unwilling to admit it in their families, which are smaller principalities. Three things especially have made it so taking with the vulgar. 1. A pretended impartial administration of Justice; Secondly, An empty name of liberty; and thirdly, the so much applauded equality, by which they seem to reduce their civil constitutions to the primary laws of nature, which gave to all men a common right. *Popular form the worst goverment.*

Concerning the first, their hopes, that justice should be more equally administred, are grounded upon this probability: It is very hard to corrupt a multitude into favour or respect of persons (though some rivers have been infected, the Ocean cannot be poysoned.) A man may satisfie the interests of one or some few, but to buy in justice of so many would be no thriving trade, he might more cheaply lose his cause. This is a plausible, but very fallacious argument. Because experience makes it evident, that to prevent the evils of division, which the many following particular and crost interests do beget, one remedy is constantly made use of, which is this; some few of the more crafty Citizens, who have gained credit with them, agree together in private, *More equal administration of justice without reason, and against experience, promised in this form.*

vate, and order businesses at their close Committee, and so undiscernably lead the multitude on to whatever they call the publike good, of which, they having prevailed upon their affections, are esteemed the most competent Judges. And what is this, but to pretend to a Democracy, and be governed by an illegal Aristocracy? By this means any one of the Juncto (for they must gratifie each other mutually) is enabled to stop the course of law in a friends behalf, and to put a sharper edge upon the sword of justice when it strikes an enemy. These kind of men have got the Art of changing the peoples opinions of just and unjust, according as it is more suitable to their own profit, and they are not so much beholding to any solid wisdom for it, as a kind of frothy eloquence, which we may observe in their set speeches and declarations, with much cunning fitted to the capacity of their auditors. They do not at all trouble themselves to satisfie reasonable men, for they are but few, and can stand them in little stead, where things are carried by the greater number, and reasons are not weighed, but told. The art is, to apply their harangues to that which rules weaker men, the affections (*suadendo docent, non docendo suadent*) and these are easily convinced, and made the measure of their judgement; the want of weight in the premises being supplyed by an extraordinary love to the conclusion. It was too truely said in reference to these popular decisions.

——*utilitas justi prope mater & æqui est.*

From this fountain arise the many debates amongst men in civil affairs. For in Mathematical knowledge, because it concerns not *meum* and *tuum*, there is an unanimous consent; all agree, what lines are streight, and what crooked; but the judgement of right and wrong, are as various as their interests different.

The objection of greater liberty, answered.

Secondly, concerning liberty, it is very strange that men should so generally fall in love with a bare sound,

and court a name of freedom, which duely examined, will be found to signifie nothing. They cannot mean by it a looseness from all laws, because their intent is to change, not take away government; they dare not own such a pernicious licence. And therefore the true debate amongst men, is not whether they shall admit of bonds (that is, such obligations as laws lay upon them, these are readily embraced) but who shall impose them; the question is not *an servirent, sed an uni vel pluribus*, and it is commonly called liberty, to serve more masters.

The restraint of our freedom is that which is most valuable amongst the benefits of government. For this preserves peace between men, that their hands are tyed up from doing injuries. Though we naturally delight in a full and absolute liberty, yet the love of it is over-ballanced by fears; every one could wish to retain it self, but not upon this condion, that all others should enjoy the same freedom. Because as the contemplation of our own liberty is pleasant, to do what we list, so there is a more sad consideration arising from the thoughts of others freedome, to make us suffer, as much as they may be tempted to inflict.

Thirdly, concerning equality, if they urge, it comes nearer to the law of Nature, by the same reason they must dissolve the bonds of all government, since there can be no Magistrate, no Superior and Inferior, and *par in parem non habet imperium*; so we must indulge to every man to do what seemeth good in his own eyes. This argument doth not conclude for one form above another, but equally destroys all, and is applyed to a popular State, onely out of resemblance of some imperfections common to both, because that government comes neareſt to none, and is but few degrees removed from Anarchy and confusion. But the truth is, this equality which they so passionately affect, is clearly against nature, who, if an equality of rewards had been *Æqualitate nihil est iniquius.*

been intended, would have made all men equally deserving. Reason doth teach us, since it is manifest, we may excel others by education and industry, greater encouragements should be allotted, in consideration of the charges of good breeding, and of the extraordinary studies, whereby men enable themselves for the honor and good of the publike. Besides this equality, though pretended to conserve, doth in truth destroy amity; for none are so quarrelsome, none so subject unto envy, as equals.

We may judge of the thriving of popular States, by what we observe in commons, which are always poor, and bare, and if taken into one mans hands, would be improved fourfold: we finde by experience what all should look after, is neglected by every one, whilst each man thinks his particular expence of time and study will not conduce much, and that they may be supplyed by others, and therefore he chooses to imploy them rather on his private interests much more profitably.

Seeing that the greater part of men in popular sway, are bred up to gain, they make profit for the most part the rule of their actions, and so entertain but little sense of honor. And hence this State is easily corrupted by their low affections, so that particular persons may be sometimes rich, the State can never be glorious. How can the happiness of that Commonwealth be lasting, where the wiser and honester part being still the fewer, must be ruled by men of weak understandings, and of corrupt affections, men extreamly violent, if they be not awed, and in their fear irresolute in all their proceedings, men not capable of secrets, so that they expose themselves to all disadvantages? Their assemblies are full of inconstancy and disorder, it is very hard to separate tumult and multitude. The wiser oftimes dare not speak, fearing the madness of the people. For if things should succeed ill by some secret

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lets, they are ſure to ſuffer for the event, ſince amongſt ſuch Judges it is not enough to counſel prudently, unleſs fortunately alſo. The States of *Sparta* and *Athens* will afford plenty of examples.

If they be not united by fear of a Foraign war, they will quickly break out into a domeſtick. They are well compared to the raging of the waves; their contrary humors eaſily raiſe a tempeſt. The united Provinces are thought by many to owe more to the *Spaniards* conſtant enmity, then to the aids of *Engliſh*, *Scots*, or *French*. (And yet without their aſſiſtance they had been long ſince ſwallowed up) and they may thank the Juſtice of Monarchies, that theſe friends made them not a prey to themſelves. He is a ſtranger in the *Roman* ſtory, who knows not how fatal Mercenaries were, when lent by a Commonwealth. If he would not have fought with them, he had conquered them long ere this. The fate of *Greece* would have been theirs, *Græciæ civitates dum imperare ſingulæ cupiunt, omnes imperium perdiderunt*: we ſee how the *Athenians*, *Lacedæmonians*, *Thebans*, *Arcadians*, *Phocians*, *Locrians*, *Corinthians*, *Bœotians*, with others, variouſly ſiding, that they might keep the ballance even, miſerably warred upon one another, till at laſt *Philip* took advantage of their diſcords, and made himſelf King of all.

I have been tempted into this large digreſſion, for the fuller ſatisfaction of the people, in whom a diſlike of the preſent government is begot, and ſo a way is laid open for a change of it, upon pretence ſome other form would be more advantageous. Which firſt is not true, and therefore they have not any motive for diſloyalty, ſince they would be diſhoneſt againſt Intereſt. And ſecondly, if it were true in it ſelf, yet it is not ſo, when a State is ſettled under another form; the certain miſeries of a civil war, and the great difficulties of ſetting it together, when it is torn into

into ſo many pieces, will be above any hopes they can reaſonably propoſe to themſelves. And thirdly, if it could be done advantageouſly and ſafely, yet it cannot honeſtly. They will forfeit Heaven for that, which in all probability will make them more miſerable upon earth; and it were a ſad purchaſe, if they ſhould obtain as much as their ambition or covetouſneſs can devour. Civil ſociety is founded upon Juſtice, and ſupported by Religion, which obligeth us to preſerve the faith of contracts intire. We are bound to ſtand to our bargain, though it ſhould appear it might have been better made. Experience ſhews us, that States may live and flouriſh too under the worſt form of government, and they are not immortal under the beſt. Let the imperfections be more or leſs, in this or that kinde of regiment, they cannot abſolve the Subjects conſcience; though he may have reaſon to prefer other Laws, he muſt have ſo much Religion to be obedient to thoſe under which it pleaſed God to place him.

It is high time to make particular application of the former diſcourſe, concerning the original of government, and by a diſtinct ſtate of it to give light to all which follows.

True ſtate of government in general, with application to that of this Kingdom.

Non eſt poteſtas niſi a Deo, ſaith the Apoſtle, *Rom.* 13. *There is no power but of God*, that is, the right by which the Magiſtrate governs, and all the juriſdiction he exerciſes is derived from divine ordinance. This may be conveyed either immediately, as amongſt the *Jews*, when God deſigned the perſon, which now no State will pretend; or elſe *mediante populi conſenſu*, the conſent of the people intervening; and this two ways, either by a free election, upon hopes from his extraordinary goodneſs; or by conqueſt, attended with a voluntary ſubmiſſion, upon fears from his extraordinary power, that he may be willing to protect, who was able to injure: whether of theſe motives preſented the perſon, is not certain in the firſt times, but

but is clear their Empire was absolute (I exclude not the bounds of Justice according to the Laws of right reason, and equity) usually known by the name of παμβασιλία, in which *arbitria principum pro legibus erant*. Though this continued long in the world, and the Eastern people enjoyed a great measure of happinesse under it, and therefore with great reason (to use the expression of *Tacitus*) *addicte admodum regnabantur*, they were subject most devoutly; yet the sense of some sufferings (as the fate of humane things is interwoven with a mixture of good and evill) suggested a remedy, which was to bound his power within the limits of positive Laws. From hence proceeded the different qualifications of Regal power in several Kingdomes. Some, though restrained by Laws, yet were truly Monarchs, οὐχ ὑπεύθυνοι πόλει, being not responsible for any breaches, as supream, though not absolute: others had the name and title of Kings only, but were subject to a superiour jurisdiction, as *Theseus* to the people, the *Spartan* Kings to the *Ephori*. It is not necessary to determine that question, whether the frequent debates about the not observation and the breaches of these agreements, (which, a discontented part of the people challenging the liberty of being Judges in this case, and the King thinking he had as much right, did produce civill warrs and most unnaturall distractions) have not heretofore, and will probably hereafter make States more unhappy then they were even in their worst times, and when they suffer'd most under the abuses of one mans power, whilest there was, though sometimes an unjust, yet alwaies a certain way of ending controversies; when a sentence, if it did not finde, yet made a right, *res judicata pro veritate accipiebatur*. To decide this, I say, is not altogether necessary, because the obligations which lie both on King and people, have their strength from this, not that he might better govern the people in such and such a way, but because this particular Government is esta-

bliſhed by the conſent of both parties: their wills give the forme to the regiment, and not the conveniences of it. To come nearer home, and grant as much as reaſonable men, and thoſe which underſtand the nature of Government can require. For I think they do ill ſervice to the cauſe, though with good affections, who out of a deſire to make it more firme and ſtronger, place it upon any other then the naturall foundation, and that which is only fit to ſupport it, and take the rights which God gave to the Kings of *Judah*, for the meaſure of all regall authority, which if they were, all Kings would have equall power; but this evidently varies according to different Laws, and is more or leſſe according to ſeverall conſtitutions. That which is pleaded for in this diſcourſe, as common to them and our Kings, is only *Jus Regni*, the right of Monarchy, not to be accomptable to any inferiour juriſdiction.

I ſhall not deny, a Kingdome may be ſo conſtituted (but then it is no Monarchy) that upon a reall breach of ſuch or ſuch conditions, named in the compact, and a forfeiture being expreſſed, the ſword of Juſtice may be taken up by ſome Magiſtrates, appointed by Law, as the *Ephori* amongſt the *Lacedimonians*; or by the people, as at *Rome* when the laſt appeal did legally lye unto them: for it did not alwayes, as when a Dictator was Created, he was the whole people for ſix months, and though the time of his Reign was limited, his power was not bounded, he was ἀνυπεύθυνος, accomptable to none for what he did in his regency; no not when a private man again: and ſo under the Emperours, as appears by the *Lex Regia*, quoted by *Ulpian*, which transferred all the peoples power upon him, (*L. quod. D. de conſtit. prin.*) A miſtake upon this hath ſeduced ſo many of the Kings Subjects into rebellion. For becauſe it is made appear a State may be ſo eſtabliſhed; and they are induced to believe, it is more reaſonable it ſhould be ſo eſtabliſhed; upon theſe premiſes they

conclude

conclude moſt inconſequently, that our ſtate is ſo eſtabliſhed, and in the ſtrength of this ſight againſt His Majeſty, and did their beſt to kill Him, contrary to Gods ordinance, applyed to our civill conſtitutions, and repugnant to their own oath, in which they ſwore to be loyal in reference to His Perſon, and that they would defend His life with their utmoſt power.

That a Kingdome may be ſo eſtabliſhed, a conſidering man will not gainſay. If the ſtate of *Venice* ſhould call their duke King, this new name would not convey any new power into him. Election or ſucceſſion cannot rule the caſe; for an elective Kingdome may be conferred abſolutely, as will appear in the *Roman* Empire, and a ſucceſſive may be ſubject to forfeiture, if this be expreſt in the Covenant. For ſucceſſion is not a new title to more right, but a legall continuance of what was firſt gotten.

2. That it is more reaſonable ſo to eſtabliſh a kingdome, that the Prince ſhall be accomptable to a higher power, either placed in ſome Magiſtrates, or in the people, (and then by the way it is not a Monarchy, but either an Ariſtocracy or a popular State) though this be very falſe, yet if it were true, it cannot juſtify this warr now undertaken, as things are ordered in this Land, againſt the King. Becauſe Policy is no diſpenſation againſt obſerving known Laws, and we may not deſtroy our Governours out of reaſon of State; *Machivel* muſt not give Law to the Goſpell. If we might challenge ſuch liberty, there were not ſuch a thing as Juſtice; our oaths would be of no force againſt intereſt; profit ſhould be the meaſure of our actions, and we muſt conclude all right what ever was advantagious. Since then not ſuch perſons as they could better fancy, but thoſe onely whom the Law hath confided in, and enabled to that end, can put Armes into the hands of the people, it concerns every man, as much as his ſoul is worth (for that will certainly be loſt in thoſe great ſins

of Rebellion, Perjury and Murther) ſadly to examine whether to fight againſt the King, be not to reſiſt the Supream Power, to which God hath threatned damnation.

Non-reſiſtance to the ſupream power, eſſentiall to the preſervation of order.

Every ſtate hath a ſupereminent dominion or paramount intereſt over all particular men, and what belongs to them, and conſequently hath full power to reſtrain the licence of reſiſting, for the preſervation of order and publique tranquillity. That it ſhould lay ſuch an obligation upon all Subjects, there is evident reaſon, becauſe what the ſupream power, that is the State (in order to thoſe things wherein ſupremacy conſiſts) does, is truly the act of all, and none can have juſt of quarel for diſlike of what they themſelves doe; and moreover neceſſity inforces it. Becauſe without this the eſſence and being of a State were deſtroyed, which is, Order. For this ceaſes, if firſt and laſt be confounded, and the City is diſſolved into a multitude, and that which ſhould be one body, becomes ſo many Independent men.

The benefits which are conveyed to us by men in authority, are deſcribed by *Timothy* 1. 2. 2 and he calls them *the leading of a quiet and peaceable life in all godlineſſe and honeſty.* It is not imaginable how they ſhould be enabled to compaſſe this end, except ſome ſentence be ſupream, from which it ſhall not be Lawfull to appeal; and conſequently except that power which Law armes, and which looks to the execution of what is decreed, be not to be reſiſted. For if it ſhould be indulged to us to change our Adverſary, and fall out with the Judge, and as oft as we think we ſuffer wrong by his determination, to take the freedome of righting our ſelves, upon this ground, that *his duty is to give righteous judgment; and therefore not ſatisfying that truſt, he is no longer a Judge, then juſt; his ſentence ought not to be ſubmitted to; for we are not bound to be obedient to his will, but law; if he endeavour to put it in execution by himſelf or his malignant officers; though we kill him, it is no fault, becauſe violence*

was

was offerd only to his perſon, not to his authority, which was none in this caſe, becauſe he judged againſt Law, and that gives not power to its own overthrow; it is evident this principle makes our ſtrifes and debates endleſs, all all our Lawes would be writ in bloud; it breakes in ſunder all the bonds with which the goodly frame of government is knit together, and robbes us of our peace under Anarchy and confuſion. Out of this conſideration the wiſdome of all States hath thought it fit to ſecure the perſon or perſons in whom the ſupream power is ſeated, by the ſtricteſt Lawes, and moſt ſevere puniſhment, which cannot conſiſt with a liberty of reſiſtance, to the indangering his or their lives. By the Civill Law, a Souldier was caſhiered, not if he did ſtrike again, but if he only kept off ſome ſtrokes, and held the rod of a Centurion; but if he broke it willingly, or offered the leaſt violence, he was ſacrificed to the *Roman* diſcipline, and expiated his offence by death. Certainly the people would have nouriſhed in their breaſts a greater reverence, and more awfull reſpect towards Majeſty, if they had not been ill catechized and taught, that *Dei miniſter eſt nobis in bonum*, He is the Miniſter of God, might be conſtrued, the Peoples ſervant; and that a King is but their creature, and therefore in duty is bound to ſubmit to his maker.

The truth is, we find it called by *Peter* ἀνθρωπίνη κτίσις; the people have a hand in it; this cannot be denied; but we have it in the ſame verſe raiſed into a divine workmanſhip, ὑποτάγητε διὰ τὸν Κύριον, acknowledge your ſelves to be ſubject, ſubmit to the King, or breake not order, in which he is firſt or ſupreame, for the Lords ſake: 1 *Pet.* 2. 13. The work is taken out of their hands, when they have contributed as much as they were able, which was to give up their divided powers, and unite them in him; their act made him the fountaine of all that power which they had, and by conſequence the fountaine of all honour,

The King is Dei miniſter, not the peoples ſervant, not their creature.

nour, that alwayes bearing proportion to the former; for to honour, is nothing elſe but to teſtifie by our actions an opinion of ſo much or great power in any one; and therefore the ſame act is expreſt only in different words, *Feare God, honour the King* : *v.* 17. If they had been charged to honour God, feare the King, they had ſignified the ſame duty. And therefore it is ſaid, *Servants, be ſubject to your maſters with all feare*, *v.* 18. The worke, I ſay, is taken out of the peoples hands, and God himſelf perfects it. If it had ſtayed there, if God had not pleaſed to adde to, and finiſh it, yet it had been moſt true, that no reſiſtance were lawful; and evidently falſe, that he were *univerſis minor*, becauſe he that hath ſupreame, that is, all their power, is the repreſentative all, he is legally the whole people. But the obligation of not reſiſting, is infinitely more weighty, if we conſider him not only as repreſenting the people, but as repreſenting God himſelf. He hath given to him a power of a much higher nature, a part of his dominion over the life of man. The people could not agree together to diſpence with Gods precept, *Thou ſhall not kill*, nor diſtinguiſh ſhedding blood with the ſword of vengeance from murther. It was not poſſible for any man to give away a greater right over his own life then hee had, *Nemo plus juris ad alium transferre poteſt, quam ipſe habet*; and he hath nothing to doe in the diſpoſal of any others; and therefore except killing a mans ſelf be lawfull, the people cannot enable the Magiſtrate to take away their lives. Hence it followes, though that be lamentable Sophiſtry in many reſpects, *Quicquid efficit tale, eſt magis tale*, urged to maintain a clear contradiction, that Subjects are above him whom they have placed over them; yet if it were ſound reaſon, it were a very impertinent argument, becauſe it proceeds upon a falſe ſuppoſal, that the people ſhould *efficere talem*. Becauſe *jus gladii*, (to bear the ſword innocently, and

The King Gods repreſentative, as well as the peoples. Power over the life of man, from God only, not frum the people.

to

to cut off offenders without deſerving greater puniſhment then they inflict by transgreſſing againſt Gods known will, *Vindicta mea, ego retribuam*, Vengeance is mine, I will repay ſaith the Lord,) muſt referre to God as the author. Magiſtrates are Θεῦ λῃτυργοὶ, Gods Delegates, and not the peoples; Θεῦ διάκονοι, ἔκδικοι εἰς ὀργὴν, Gods Miniſters, his revengers, (or as it is better without a comma,) his revenging Miniſters to execute wrath. It is very ſtrange the people ſhould be ſo much abuſed, as to be perſwaded to take upon them Gods Prerogative, and to uſurpe his language. *Pſal.* 82. 6. *Wee have ſaid ye are Gods*; and to contradict Chriſt, who ſayes to his unjuſt Judge, *Thou couldeſt have no power* to take away my life, *unleſs it were given thee from above*: but they ſtate it otherwiſe, unleſs it were given thee from beneath, from us, and we were not ſo mad as to contract for our own ruine.

Moſt of their Writers in their printed Sermons and Pamphlets, declame againſt this tame behaviour, this obligation not to reſiſt, as an abſurd and ſenſeleſs thing, and a condition repugnant to mans nature, and unworthy of reaſonable creatures; but I muſt tell them, God was not of their opinion, who thought it fit to governe his own people in this way: who ever was not obedient to what the higheſt authority did determine, was to die, as appeares. *Deut.* 17. 12, 13. *The man that will doe preſumptuouſly, and will not hearken to the Prieſt, (that ſtandeth to miniſter there before the Lord thy God) or unto the Judge, even that man ſhall die, and thou ſhalt put away the evill from Iſrael.* God commands he ſhould be made an example, that the people may not be tempted to Rebellion; for in the 13 verſe it is ſaid, *All the people ſhall heare and feare, and doe no more preſumptuouſly.* It is worth our notice that here *all the people* are mentioned; if they had agreed together to reſiſt not a pretended,

Gods own people bound not to reſiſt the ſupream Magiſtrate; therefore this no abſurd conſtitution.

tended, but a reall falſe ſentence, this conſpiracy could not turne their ſedition into a juſt warre, it could not take off the guilt of diſobedience, though the multitude of offenders might hinder the puniſhment; *Populi ſalus, ſuprema lex*, had been but a weak plea here.

This is urged only to prove thus much, that all their arguments (which have greateſt influence upon the peoples affections) drawn from inconveniencies by reaſon of the faults of Governours (under which the *Jewiſh* Commonwealth frequently ſuffered, as appeares by the Prophets reprehenſions) may as juſtly bee made againſt the *Jewiſh* Government of which God himſelf was the author. And that he forbad reſiſtance to ſupreame authority is plain; moreover, the firſt of *Joſhua*, v. 18. *Whoſoever hee be that doth rebell againſt thy commandement, and will not hearken to thy words in all that thou commandeſt him, hee ſhall be put to death: onely be ſtrong and of a good courage.* Hence the weakneſs of that Sophiſtry (which hath cauſed theſe ſad diſtractions) is evident. For they perſwade the people, it were madneſs to make ſuch a contract which upon ſuppoſal of bad Governours would leave them without remedy, and therefore take it for certain truth they made their bargain wiſer. Whereas there is no ground for imputation of folly, for following Gods own patterne; and yet if it were indiſcretion, this doth not void the compact. They are bound to be honeſt, though they were not wiſe; to plead they were fooles, will not licence them to be knaves.

Lex Regni, as it is called, 1 *Sam.* 10. 25. the fundamentall Law of Government, (of which a Monarchy is but a *ſpecies*) or the right of Supream Authority is moſt excellently deſcribed by *Samuel*, in the firſt Book, eighth chap. 11, 12, 13, 14, 15, 16, 17. *verſes*, *This ſhall be the right of the King that ſhall reign over you: He will take your ſonns and appoint them for himſelf, for his Charets*

rets, and to be his horſ-men, and ſome ſhall run before his Charets. And he will appoint him Captains over thouſands, and Captains over fifties, and will ſet them to ear his ground, and to reap his Harveſt, and to make his inſtruments of war, and inſtruments of his Charets. And he will take your daughters to be confectionaries, and to be Cooks, and to be bakers. And he will take your fields, and your vineyards, and your olive-yards, even the beſt of them, and give them to his ſervants. And he will take the tenth of your ſeed, and of your vineyards, and give to his Officers and to his ſervants. And he will take your men ſervants, and your maid-ſervants, and your godlieſt young men, and your Aſſes, and put them to his work. He will take the tenth of your ſheep, and ye ſhall be his ſervants. And ye ſhall cry out in that day becauſe of your King which ye ſhall have choſen you, and the Lord will not hear you in that day. It is not lawfull for you to break that yoak which ye put upon your ſelves, neither ſhall your tears prevail with God to take it off your necks: notwithſtanding ſuch afflictions were fore-told, their reſolution is, to have a King over them, that they alſo may be like all the Nations, and that their King may judg them, and go out before them, and fight their battails. *Sit incommodum*, we acknowledg theſe are grievous inconveniences, (*nam quid fere undique placet*, it is the fate of all governments, becauſe managed by men, who may prove vitious, to be unavoidably ſubject to great calamities) *verum illud comparavimus commodis*, we have weighed the advantages of being ruled by a King, and conceive the probable goods which are conveyed from Regall government, which are known by experience in other Nations, will over-ballance theſe accidentall evils, however we are reſolved to venture it.

A miſunderſtanding this part of Scripture hath opened a way to two dangerous extreams, which are both falſe, and have produced unhappy conſequences. From *hoc erit jus regis*, ſome conclude his will is his law; and *quiquid*

quid

quid libet, licet; but this is clearly convinced in the 17. of *Deuteronomy*, where the duty of their King is deſcribed from the ſixteenth verſe to the end of the chapter.

Others make it a bare propheſie of the tyrannical abuſe of power by the King which they ſhould chooſe, (if ſo, the people had ſmall reaſon to ſhout for joy at his inauguration; and ſecondly, this was not fulfilled in *Saul*; for though he proved a Tyrant, yet not in all theſe particulars) and ſo they confound *jus* with *factum*. But it cannot be found in any Author that ever *jus* was taken in this ſenſe. *Miſhpat* will not bear this ſignification. When Theeves take away mens goods or their lives, it might as properly be ſaid, *hoc eſt jus Latronum*, this is the right which robbers have.

The true ſence of jus Regis *in* Samuel.

To finde out the true meaning, we muſt know, that this law was not given as a rule for him to command, but for the people to obey by; it did not excuſe him from ſinning, but diſabled them from puniſhing him for his offences: and therefore it is ſaid, when the ſolemnity of his inauguration was ended, *Loquutus eſt Samuel ad populum legem regni*, he ſpake not to the King, but applyed himſelf to the people, and declared their duty. This was not what he ought to do, but what they ought to ſuffer, when a King ſwerved from that rule by which he was bound to govern. For his duty was well known, being laid down many ages before by *Moſes*, and *written in the book which* Moſes *commanded the* Levites *to keep in the ſide of the Arke of the Covenant, that it might be there for a teſtimony againſt tranſgreſſors: Deut.* 31.36. ſo that this bindes the people not to reſiſt, though they are oppreſſed; wherefore the cloſe of it is, ſince there is no help in man, they muſt onely cry unto the Lord: 1 *Sam.* 10. 18. This ſignification is confirmed by the Civil Law, where we are informed, *jus prætor reddit, etiam cùm iniquè diſcernit*; the meaning of it is explained, *relatione ſcilicet factâ non ad id quod ita prætor fecit*,

cit, sed ad illud quod prætorem facere convenit; L. jus plur. D. de just. & jur. And in this sense, *summum jus* is sometimes *summa injuria.*

It were happy for all States, if the people were fully instructed in this text; and could distinguish *Potestatem imperii ab officio imperantis*, the right to govern, from government according to right. For the former is obligatory and stands in full force, though he be defective in the latter.

This middle way, *inter abruptam contumaciam, & deforme obsequium*, neither guilty of stubborn disobedience, or servile complyance, is very safe and honest. For it acknowledges he that hath supream authority, is subject to some laws (for it was truly said by *Harmenopulus*, κατὰ βασιλέως οἱ γένικοι κρατεύτωσαν νόμοι, and that of the Emperours is fit to be observed, *Digna vox est majestate regnantis, legibus alligatum se princepem profiteri. Adeo de auctoritate juris nostra pendet auctoritas: & reverà majus imperio est, submittere legibus principatum, l. 4. c. de legibus.*) But he is not subject to any Judge upon earth, because he hath no superiour. This the *Grecians* called ἐπιτύπτειν ἀνυπεύθυνον ὄντα, a government not accomptable to men; and they opposed βασιλείαν such a Monarchy, ἀρχῇ ὑπεύνῳ, to such Rulers as were responsible: *Ambrose* expresses it by *non ullis ad pœnam vacari legibus, tutos imperii potestate.* The reason of these constitutions was grounded upon necessity, which forced them to place an impunity somewhere for avoiding confusion. For a circle in Government would be infinitely absurd, and of pernicious consequences, when rulers are placed over us, to challenge a right to rule those Rulers. The Poet very wisely was at a stand:

A necessity to grant impunity to some in all governments, to avoid confusion.

——— *Quis enim custodiet ipsos*
Custodes? ———

But these men runn round till they are giddy, all the foundations of government being moved by them, and put

put out of courſe. Becauſe they have not ſetled ἡ πρώτην ἀρχὴν, as *Galen* calls it, a ſupream power, to whoſe ſentence the laſt reſort muſt, be, and whoſe determination *jus facit*, that is, though it ſhould ſwerve from the rule of juſtice, yet it muſt have the effect of right; it is binding to all, they cannot call him to accompt for it, and make him reſponſible for the wrong. His authority is a guard to his perſon; and though he chance to do ſome things not innocently, (for he ought to be guided by the laws of honeſty given to mankinde, and to obſerve his oath and promiſes) yet he muſt do all ſafely, becauſe he cannot be puniſhed by any Nationall Law. This impunity makes all reſiſtance which may any way indanger his perſon, unlawfull. *David* clearly determines the caſe. *Deſtroy him not*, ſaith he to *Abiſhai*; the reaſon of this *ne perdas* is now of full force, and tyes up the hands of inferiors in every State: *For who can ſtretch forth his hands againſt the Lords annointed, and be guiltleſſe?* 1 *Sam.* 26. 9. The ſubſtance of this anointment, which makes their perſons ſacred, and not to be touched with violence, remaines even where the Ceremony is not practiſed. For it is nothing elſe but *jus regnandi*, the right of ſupremacy, a true title to reign over them; and therefore *Cyrus*, a Heathen King, is called Gods Anointed: *Eſa.* 45. 1. though the materiall ceremony of pouring oyl upon him, was not in uſe amongſt the *Perſians*. It is a Metaphorical expreſſion of ſupereminency, taken from that quality of oyle, which is, when it is mixed with other liquours, to be uppermoſt.

The Fathers unanimous gloſſe (which certainly ought to bear greater ſway in our actions, then the Authority of thoſe men, not known to us, but as the cauſes of our miſery) upon *Davids* confeſſion, *Againſt thee, thee only have I ſinned*; *Pſal.* 51. 4. pleads for this impunity. Notwithſtanding he had abuſed *Uriah's* wife, and contrived the death of ſo gallant a man, who forgot what

was

was deareſt to him next unto the Kings honour, and would not go in unto his wife, untill the Kings enemies were deſtroyed; yet he ſaith, in the height of his humiliation, he had ſinned againſt God only, becauſe there was no Tribunal amongſt men to which he was reſponſible. Our Common Law ſeems to expreſſe it ſelf in the ſame ſenſe, *le Royne fa tort*, the King can do no wrong; Though we may ſuffer undeſervedly, yet no ſenſe of injuries received can diſpence with the obligationof not righting our ſelves by force.

I have done with my proofs out of the Old Teſtament, and I deſire my Readers to weigh how much is concluded, leaſt they ſhould think the Application hollow, becauſe all Kings have not the ſame rights which belonged to the Kings of *Iſrael*.

How much is concluded out of the old Teſtament to the preſent caſe.

Firſt therefore it hath been ſhewed, to reſtrain this liberty of reſiſtance, is a wiſe Government, becauſe of Gods own inſtitution; and ſo that temptation which hath ſtong influence upon many, ought to ceaſe; that it is folly to contract to be obedient in ſuch a way as may leave them without remedy for great grievances.

And ſecondly, It is evidenced that the ſame power which the Judges before, and the Kings of *Iſrael* after had, is in every State ſomewhere, that *jus conſiſtens in impunitate delictorum*, a right of not being accomptable for their actions, which ſecures the perſon or perſons in whom *ſuprema dominatio* is, and ſecures them (as ſtrongly as Laws can do) from all violence, is either in one man (ſo alwayes in a Monarchy) or in a certain body, whoſe power though abuſed, muſt give Law (in order to nonreſiſtance) to all inferiours.

There is a poſſibility of ſuffering very great inconveniences, without any lawfull means of redreſſe: It is an unhappy condition we ſhall live in, if he or they ſhould be Tyrants and take delight in our oppreſſion. But we cannot help it, God out of his dominion might thus

thus diſpoſe of our fortunes and lives, and he declares his pleaſure ſo to do, and therefore we muſt chooſe the leaſt evill, which is, not to reſiſt, and by endeavouring to ſave our goods or bodies, to loſe our ſouls. Certainly if we were as truly religious as we would be thought to be, we have not any cauſe to be troubled, though theſe things ſhould happen to us. If our patience in ſubmiſſion to his precept be chargeable, we make God our debter; all the taxes and tributes are put upon his accompt, and he will return them in as plentifull meaſure, as if we had ſpent ſo much charitably, (and we cannot lay out our eſtate better.) The Magiſtrate is Gods receiver, as well as the poor. He commands part of our revenues in him, in thoſe he ſeems to intreat; that is, to pay debts; this comes nigher to a courteſy, and therefore we might better excuſe our uncharitableneſſe, then our reſiſtance. But what if their cruelty extends to the fartheſt, and endeavour to take away our lives wrongfully?

Theſe are juſtly deare to men, and much is done to draw out a few yeares, (notwithſtanding our comforts are interwoven with ſorrowes, our feares oftentimes above our hopes, moſt of our dayes are cloudy, and over-caſt with melancholyes, and the diſcontents ariſing from our wants (which are as vaſt and unbounded as our deſires to have) are much greater then the narrow pleaſures of enjoyment, which is confined to a few things, the ſtroaking of fortune being not ſo delightfull, as her blowes are grievous:) but what value ought we then to ſet upon eternall life? how highly ought we to prize thoſe everlaſting joyes, which ſtill quicken, and ſtill ſatisfie the appetite, and what ſhould we not ſuffer, rather then forfeit theſe? This is the preſent caſe; He that by reſiſting ſaves his life, (a doubtful good, and of no long continuance) loſes that happy being, which God hath promiſed to ſuch as ſubmit to his commands; and he that loſes

his

his life is a great gainer, he falls a Martyr of juſtice, and ſhall be raiſed a Saint into glory.

The ſame duty of Non-reſiſtance injoyned by Chriſt in the Goſpell.

The ſame obedience which God required of the Jewes under the Law to be ſhewn to their Judges and Kings, and as high a degree of patience Chriſt in joynes his followers under the Goſpel, towards the higheſt powers. And there is great reaſon we ſhould performe this duty more cheerfully, becauſe our Saviour hath commended perſecution to all thoſe who will live godly, and that both by precept and example. His method was, *facere & docere, he began to doe and teach*; and it is not much different in the end, *docere & pati*; *to teach patience*, and confirme his doctrine by his ſuffering: we muſt take out the ſame leſſon, for the promiſe is conditional, εἴπερ συμπάσχομεν, *if we ſuffer with him, then* (and not elſe) *ſhall we alſo reigne with him*, *Rom.* 8. 17. Rebellion in Chriſtians is a moſt prodigious thing, we having plain and peremptory commands for obedience, and a certain and ample requital for all the charges of our honeſty. That Heroicall ſpeech of *Socrates*, ἐμὲ ἀποκτεῖναι μὲν δύνανται, βλάψαι δ' οὔ, *It is on their power to kill me, it is not in their power to hurt me*, carryes in it the flame of true Religion; the Apoſtle expreſſes it higher, *for us to die is gaine*, *Phil.* 1. 21.

The Jewes more excuſable in caſe of rebellion.

The Jewes wanted not ſome colours of reaſon to juſtifie their impatience in this caſe; for it was a ſtrong temptation not to be willing to be cut off, when their bleſſings were temporal, the chiefe of them being length of dayes, and upon which all the reſt depended, and muſt neceſſarily end with their lives. And yet they ſubmitted to thoſe Lawes, which entruſted their fortunes and being in the hands of the ſupreame Magiſtrate. *Joſ.* 1. 18. This power in ſucceeding times was often abuſed to their deſtruction, and they gave themſelves up to the ſlaughter, upon hopes not grounded in any ſet promiſe, but only in the free goodneſs of God,

God, whom they thought to be a better maſter then to let any man be the worſe for doing him ſervice.

Chriſtians have not any colour for it.

But a Chriſtian cannot have any ſhadow of ſcruple. St. *Peter* failing in this duty, by reſiſting the Magiſtrate, in defence of his innocent Maſter, hath taken ſpeciall care not to be imitated, and therefore informes us largely with the full extent of Chriſtian patience. I will firſt lay down the grounds for which our Saviour reprehended him, and I deſire they may be ſeriouſly pondered by ſuch as are more inexcuſably faultie, and then I ſhall take his precepts into conſideration. Much may be alledged in *Peters* juſtification, and yet all will not excuſe him. *Put up thy ſword againe into his place*, ſayes Chriſt; if he do not, he threatens the puniſhment of murder to him, *all they that take the ſword, ſhall periſh by the ſword. Math.* 26. 52. It concernes them ſadly to apply, who pretend reſiſtance, but are really invaders, and therefore cannot make ſo faire a plea. Firſt, it was a ſodaine and unexpected aſſault; no means of eſcape did appeare. Secondly, their violence armed with Swords and with Staves as againſt a thiefe did evidently aime at the life of his Maſter; and he might not without reaſon ſuſpect his own in danger. Thirdly, he kept the lawes of that which is called *inculpata tutela*, innocent defence; he did it in the inſtant, not after deliberation, when he might have thought of other wayes of ſafety, and he had no advantage of Weapon, and he did not kill outright, but only wounded a ſervant. Notwithſtanding all this, he is rebuked by Chriſt, who makes ſatisfaction for his offence by a miracle. And the ſenſe of this correction made ſo deep an impreſſion, that he after warned others of their duty, when they ſuffer in the like perſecution. *Let none of you ſuffer as a murderer*, &c. *yet if any man ſuffer as a Chriſtian, let him not be aſhamed; but let him glorifie God on this behalf. For the time is come, that judgement muſt begin at the houſe of God.*

Wherefore

Wherefore let them that ſuffer according to the will of God, commit the keeping of their ſouls to him in well doing, as unto a faithful creator, 1 Pe. 4. Though this might ſerve turn, yet he ſpeaks more home in another place, *Submit your ſelves to every Ordinance of man for the Lords ſake, whether it be to the King as ſupream, or unto Governours as unto them that are ſent by him for the puniſhment of evill doers, and for the praiſe of them that do well. For ſo is the will of God, that with well doing, you may put to ſilence the ignorance of fooliſh men. As free, and not uſing your liberty for a cloak of malicioufneſs, but as the ſervants of God*, &c. *Fear God, honour the King. Servants be be ſubject to your Maſters with all fear, not only to the good and gentle, but alſo to the froward. For this is thankworthy, if a man for conſcience towards God, indure grief, ſuffering wrongfully. For even hereto were you called. Becauſe Chriſt alſo ſuffered for us, leaving us an example, that ye ſhould follow his ſteps who did not ſinne, neither was guile found in his mouth*, 1 Pet. 2.

The caſe of reſiſtance inforced with greateſt advantages, yet condemned.

The caſe of reſiſtance is here inforced as highly as favourable circumſtances can raiſe it, and when the moſt plauſible limitations are put in, yet it is concluded unlawfull; we muſt ſubmit as Chriſt did, though we ſhould be as innocent as he was, and though *vires non deeſſent*; we were ſure to make good our oppoſition; for he could have ſummoned an Army of Angells in his defence: we are bound to ſubmit not only to Juſtice, but to injuries alſo, and to be obedient as to *good and gentle* maſters, ſo likewiſe to the *froward*, to *bad* as well as *good* Kings, their failing of their duty not licenſing us not to perform ours, nor diſpenſing with our Loyalty. This is evident, becauſe the reaſons annexed equally inforce this duty in Subjects as in Servants. Though liberty be our birth-right, yet it muſt not be made the cloak of ſin; it takes not off thoſe bonds with which God hath tyed up our hands from fighting againſt the ſupream power. No lifting up private ſwords againſt the ſword

of Juſtice, ours againſt Gods Weapon, *Deus reſiſtet*, we ſhall have an ill match of it.

It is well worth our obſervation, that though the Apoſtles main work was heaven, yet they are very ſolicitous to ſettle our quiet upon earth, by enforcing obedience unto government. Saint *Paul* delivers the mind of God moſt fully, moſt plainly. He could not have expreſſed the duty of Subjects more punctually if he had lived in theſe laſt and worſt times, wherein his Doctrine ſeems a kind of tame folly; as once much Learning, now much Religion hath made him mad. Our Saviours prophecy is fullfilled of faith failing amongſt men; they think it unreaſonable to be bound to ſubmit to certain preſent evills, out of hopes of future good, and to be abuſed by bad Magiſtrates, upon expectation to be righted hereafter; and charity waxeth cold; it muſt no longer be ranked amongſt Chriſtian duties to preferr publick good to private intereſt, the peace of the Church, & tranquillity of the State to our own profit or ſafety. No, *we muſt ſtand faſt in the liberty, wherewith Chriſt hath made us free*. We are not ſo indiſcreet to ſubmit to any trial by Law, becauſe we may meet with corrupt Judges; *patrocinium peccati, multitudo peccantium*, our number ought to make us ſafer then innocence can them; it is madneſſe to be hanged, when we are more then thoſe that ſhould hang us; we may call our ſelves the Common-wealth (for this is ſomewhere, and the leſſer part hath leſſe reaſon to challenge it to themſelves) and then *Populi ſalus, Suprema lex*, what ever conduces to our ſafety, becomes Law to the Kingdom. If any Malignant and ill affected perſons object the breach of known Laws by us, we muſt tell them they are abrogated by equity, becauſe if they ſhould ſtand in force, they would deſtroy us. The truth is, theſe men antedate that prophecy of Chriſt (as they have done many beſides) *He ſhall put down all Rule, and all Authority, and Power*, 1 Cor. 15. 24. This is clearly done by their Practiſe, Kings are diſhonoured

honoured in the fear of God, and I need not say *quid verba audiò, cum facta videam?* for their profest principles maintain it. If they are not of the true Religion, that is, make not the peoples opinion their Creed, or if they do not govern to the advantage of the Saints, that is, joyn not with them in those designes which they christen *Gods Glory*, and *the great work*, the *pious Reformation*, then because they are no longer *Dei ministri in bonum*, Gods Ministers for their good, they are *ipso facto* discharged of their Magistracy; not Gods holy ones, but their own vices have deposed them and ἐξουσία their lawfull authority is not opposed by them, but their person only; they fight against the man, and not the Magistrate. This is the doctrine which hath produced such miserable things in the Christian world, to the ruine of many States, & which is more lamentable, the destruction of millions of souls. For upon these grounds many have been induc'd to fight against God & perished in their sin, and too many are so farr scandalized at it, that they suspect the truth of Christianity, concluding within themselves, that if we did really believe that Gospell which we outwardly professe, and if we were perswaded those precepts laid down by the Doctor of the Gentiles ought to be the measure of our practice (for he injoyns subjection though to Tyrants, for such were the Roman Emperours then, and the Kings in those times, *Reges gentium dominantur earum*) the most wicked Magistrates, and those that took greatest delight in cruelty and oppression, will sooner be weary in doing injuries, then we could be in suffering.

Paraphrase upon part of the 13. *to the Rom.*

Let every soule be subject unto the higher powers] πᾶσα ψυχὴ, all are included, not any one can plead exemption; we may say with the Apostle, onely he is excepted to whom every soule is subject. If every member should be commanded to be obedient to the head, they could not lawfully oppose upon joynt consent, and ground their excuse upon a Metaphysical abstraction of

the body, from thoſe of whom it is compounded. The reaſon is, becauſe the action of the body is conſtituted of the particular acts of each member; the joyning of ſo many perſonall acts makes up the act of the civil body, and if it be a fault in any one, it doth not take off the guilt, that he ſins in conſort and offends with company. This notion of univerſall ſpeculatively diſtinguiſhed from ſingulars, is ſo far from changing the moral nature of actions, that the act of the body (which is created by law, and civilly compleated by the conſent of a major part) may be ſin, and yet many members as the leſſer part who do not contribute their votes, ſhall be innocent, becauſe men are acccomptable onely for their perſonal deeds.

ὑποτασσέσθω] Let every one be ſubject, keep under, in due rank and order. Now ſeeing that in all order there muſt be ſome firſt, all others muſt ſubmit to this; and this *non poteſt in ordinem cogi, ab aliquo*, cannot be legally ordered by any, becauſe there is not any upon earth, *prior primo*, before the firſt, and higher then the ſupream. If he break his order, he is reſponſible to him onely that is above him, who is God.

Regnum timendorum in proprios greges,
Reges in ipſos imperium eſt Jovis.

Theſe higher powers ἀπὸ τοῦ Θεοῦ τεταγμέναι εἰσιν. God is *ſuper deos*, and orders them as he pleaſes. So that the wronged people muſt onely cry unto the Lord, as the Jews were directed in their hard condition: And Saint *Ambroſe* is ſenſible of this obligation, *repugnare non novi; dolere potero, potero flere, potero gemere, &c. aliter nec debeo nec poſſum reſiſtere.* Leaſt Chriſtians ſhould be more ſtiff-necked then the Jews, who bore this heavy yoke, Saint *Peter* preſcribes their behaviour, and tels them it is a part of their calling (and unleſſe they perform their vocation, they cannot make their Election ſure) to imitate Chriſt thus far, *who when he was reviled, reviled not again*; no diſhonourable ſpeeches, no reproach

reproachfull language from him, which yet falls short of the meditated malice of the pen; *when he suffered, he threatned not*, no killing and slaying so much as in words; and no people can have greater innocence, and no Governour greater faults, but *he committed himself to him that judgeth righteously*, 1 Pet. 2.

Ἐξουσίαις ὑπερεχούσαις [*unto the higher powers.*] Hereout they endeavour to pick out some advantage; for, say they, by the same Logick, as we conclude impunity due to Kings, and so all resistance unlawfull; we must be forced to enlarge this priviledge, and communicate it to all Magistrates whatsoever, because they are higher powers also. But this immunity is over large by our own confession, as repugnant to all States, and therefore seeing we cannot justifie the inference in its full latitude, we cannot reasonably collect any thing. These men strangely mistake the grounds of our deduction, their strong fancy against it, not permitting them to take the reason of it into due consideration, we confesse thus much is concluded for all Magistrates (such are they to whom the King delegates his authority) that it is not lawfull for any that are under them to make resistance; as a private man may not oppose a Constable, nor a Constable a Justice of Peace, nor he a Judge; So common Souldiers cannot punish a Lieutenant (except by vertue of a Commission from the General, and then they are above him, as being made Magistrates to execute Martial Law upon him) nor he a Colonell, nor a Colonell the General, they being but private men in reference to one above them; & so Kings in Monarchies (proportionably in Aristocracies those persons, in whom the supream power is placed, which are the major part consenting) are not judicially accomptable to any, because they are the highest. Thus much Scripture evinces, the civill law confirms, reason suggests, and the practise of all States hath imbraced it.

Lawfull to resist inferiour Magistrates if they oppose the supream.

For there is no power but of God] Here is the cauſe of obedience rendred; this right to govern, is not onely by his bare permiſſion; ſo theft and murder are; but it is his conſtitution, and by vertue of this, the Apoſtle collects that honour is due to their perſons. I have proved formerly that ſuch power could not be, εἰ μὴ ἀπὸ Θεοῦ, unleſſe it were of God; the people could not diſpenſe with divine precept, *non occides*; thou ſhalt ſhalt not kill.

The powers that be, are τεταγμέναι, *ordained* or *ordered of God.* This is his ordinary providence, by which he hath thought fit to govern the world, and we muſt ſubmit to it, till he declare his will to the contrary; nothing can take off this obligation but expreſſe revelation. And we have ſome new Enthuſiaſts, who are going on to this height of fury: Me thinks it ſhould ſtartle all good men, to ſee ſome interpretations of obſcure prophecies out of *Daniel* and the Apocalypſe caſt out to juſtifie the breach of plain duties.

whoſoever therefore reſiſteth the power, reſiſteth the ordinance of God; Here is faire warning; take heed what ye do, you have a terrible enemy to encounter with, it is Θεομαχία, a fight againſt God: You cannot flatter your ſelves with a proſperous iſſue; for thoſe *which reſiſt ſhall receive to themſelves damnation.*

Againſt that diſtinction of the authority from the perſon.

Leſt any ſhould be ſo miſerably beſotted with a ſenſeleſſe diſtinction (as it is miſapplied by them) of the authority from the perſon, as to incur the danger of this fearfull commination, he joyns them together and uſes them promiſcuouſly, and in the proſecution inforces that, by mentioning the perſons, which before he had attributed to the powers. Whoſoever reſiſteth the power, reſiſteth the ordinance of God, & they that reſiſt ſhall receive to themſelves damnation; it immediately follows; For rulers ἄρχοντες not ἀρχαὶ, *are not a terrour to good works, but to the evill.* Then he comes to the authority again; wilt thou not be afraid of the power? doe that

that which is good, and thou ſhalt have praiſe of the ſame; *For he is the Miniſter of God to thee for good*, there he concludes with the perſon.

Obſerve with what vehemence he repeats this duty, though fully delivered before, as if his mind miſgave him concerning theſe rebellious times. *Wherefore you muſt needs be ſubject.* A neceſſity is laid upon us, and woe unto us, if we be not ſubject: we have two powerfull motives, *not onely for wrath, but alſo for conſcience ſake.* As for fear what the Prince *may* (for rebellion ſeldome proſpers; Traitors are unfortunate gameſters, though they win at firſt, they are moſt commonly terrible loſers in the cloſe) ſo what God *will* inflict. You have his word for it, you are *damn'd* if you *reſiſt.*

Though Rebels ſhould get the ſtart by ſeizing his ammunition, Forts and Ships, and you have cauſe to think your loyalty will diſadvantage you, when a King is in ſight too weak; be wary what you doe; God oft-times raiſes up ſtrength to him, beyond mans expectation and the event ſhews, thoſe which continue honeſt are moſt truly wiſe. The heads of the rebellion ſhall be brought to condigne puniſhment, and their memory be odious amongſt all good men. Tis true, to be ſubject to preſent plunder is a ſtrong temptation againſt duty (yet upon a general ſurvey ye ſhall finde they take not much more from their enemies, then they force their freinds to give; they have no great reaſon to brag of being ſavers, it hath coſt them very round ſumms to loſe their ſouls.) But ye ſee how much the King indulges to this feare (I know not whether God will pardon ſo eaſily, for if feare of loſing by being honeſt be a good excuſe for neglect of duty, hopes of gaining by playing the knaves may as reaſonably be pleaded) ſo unwillingly is he any ſhould ſuffer for his ſake. How often hath he been pleaſed graciouſly to forgive, upon that eaſie excuſe, they did not dare to be his friends; that is, they were his enemies, not out

God is to be reckoned of the Kings ſide, who will over-ballance their greateſt forces.

of spight and malice, but onely for their own advantage; and he is content, not any should loose for him. O let not his goodnes move you to have a hand or purse in the evils which are brought upon him, and the whole land. Betray not your bad tempers so farr, that it should apppear you will do more for fear then love; lest your base natures may induce hereafter a stricter Government, when experience doth demonstrate the worst masters have the best servants. Let not his lenity, which doth deserve to finde friends, be the only cause he hath so many enemies. If I must direct my speech as unto cowards (for you have no excuse for disloyalty, but your feares) consider with your selves, how God hath blessed his servant with three potent and successefull Armies (all of them raised with such disadvantages, as they clearly speak an immediate providence giving testimony to the sincerity of his many sacred protestations) beside many hopefull Seminaries in divers Countries, and thousands of gallant Gentlemen, and brave spirits in other Shires, now unfortunately situated (*O tristi damnata loco*) who wait for an opportunity to revenge their tame suffering hitherto, and the unworthy usage from fellow-Subjects. If notwithstanding all this you could unreasonably flatter your selves with being the stronger side, yet you have juster and greater fears elswhere, which ought to give Law to your cowardise, which hath betrayed your Allegiance. For what would it profit you, if you should save your houses from being plunder'd (though this is the most probable way to hazard your estates, which are forfeited to the King, cannot be escheated to them) and lose your soules, for which the whole world is but a base price? There is evident danger in fighting against the King, but the Apostle threatens certain destruction, because you fight against your own consciences.

Their several exceptions and corrupt glosses by which they endeavour to avoid this plain obligation of *non resistance*, I shall meet with, in the fourth section.

The practise of primitive Christians, is a faithfull commentary upon these texts. And certainly their authority, (who witnesse to their own disadvantage, teaching submission though to tyrants, under which they cheerfully suffered according to Christs example) ought to prevaile with us above any modern Writers, who have broached a doctrine (very seasonable for some places and occasions, but unknown to those innocent times, when Christianity thrived upon suffering, and gained as much by patience, as it is likely to lose by stubbornesse) that it *is lawfull for inferiour Magistrates*, say some, *(and this from the fundamentalls of government;) for the people*, others tells us, *(and this from the law of nature)* to *right themselves by force, if the supream Magistrate deny to do it, and so faile of that trust, which was committed to him, for the good of others.* These principles lately taken up, open a faire way for advancement of private ends, by disturbance of publique peace, either upon reall (which oft-times are) or at least pretended faults in governours, which shall never be wanting, whilest there are ambitious men who want preferment, and desire to have what others are possest of, and make it a reasonable cause, to endeavour innovation, because they may be bettered by the change. In what an unhappy State do we live, if such a number (upon pretence we are not so well governed as we might be; that is, they have not so great a share in government, as they could wish for, and since the greater part can never be satisfied, we cannot hope for peace and quiet) shall be enabled to force the King to recede from laws, and in the room of those known and standing rules, to give us uncertain temporary ordinances.

The duty not to resist, proved further by the practise of the more innocent ages of the Church.

The Emperours were (for the most part) very bad, but especially to the Christians they were hard Masters, Though the Romans counted it the highest gallantry, to shake off the Yoak when it galled them, and did oft

Rebell

Rebell in the cauſe of liberty; (and it is a ſad thing that this Pagan bravery ſhould be preferred to the tameneſſe which Chriſt injoyned to his followers; *of all good actions the murder of Tyrant is moſt commendable,* ſayes one. Euſeb. Philad. dial. 2. And *Buchanan* thinks it a defect in policy, that *rewards are not allotted for ſuch meritorious deeds)* yet the Chriſtians could never be tempted by their greateſt ſufferings to joyn in any conſpiracy. *Tertullian* profeſſes their innocency, and he is to be looked upon in this caſe, not as a ſingle witneſſe, but as one that wrote in the name of all; his Apologetique is the ſenſe of the whole Church. We may be confident of the truth; becauſe it was a matter of fact, and we have no reaſon to ſuſpect he could be ſo vainly imprudent as to preſent that in their juſtification, which muſt be evidently convinced of falſehood. He makes a bold challenge, and deſires them to produce if they can one example of any Chriſtian taking part with rebells; Such as *Caſſius, Niger, Abinus, Cleander, Ælius Letus,* the *Pretorian ſouldiers* (who murdered *Pertinax*) *Stephanus* and *Parthenius* were. It is manifeſt theſe were not traitours out of wantonneſſe; there were juſt grounds for heavy complaints under *Domitian, Commodus* and *Septimius Severus*, all bloody Tyrants. Yet the Chriſtians were better catechiſed, then to think reſiſtance lawfull, when they were oppreſſed by thoſe whoſe duty it was to have protected them. Their unanimous confeſſion is, *nos judicium Dei ſuſpicimus in imperatoribus, qui gentibus illos præfecit.* I ſhall give you the ſenſe of it at large. We kiſſe the hands, which wound us; though they have not any cauſe to do ſuch things, yet there is too much cauſe why we ſhould ſuffer them; we muſt acknowledge our ſins towards God, and he may puniſh them in what way he thinks fit. We cannot deny but we have deſerved as great afflictions, and ſhall we who are guilty be ſtubborn, when patience is required, though we were moſt innocent? The example of Chriſt

is

is made our law, and in him no sin was found. We cannot suffer more, nor boast lesse demerit. If we did seriously consider it, we could not hate the worst governours; for we have no reason to be angry, because they do things to our advantage; and certain it is, if we submit with patience, their sins further our salvation, their faults encrease our glory. What pitty is it, they should go to Hell, for that which procures us a higher place in heaven? Nay, what uncharitableness is it in us, to cut them off in their sin, and so send them thither? And it is a sad meditation, to think that we shall follow; because we could not indure their company here, we take a course to live together eternally miserable.

Cyprian inforces this meekness with excellent reason. *God (* saith he to *Demetrian) is the revenger of his injur'd servants*: in which this argument is implyed, Vengeance belongs unto the Lord; and except we can produce his Commission, our private justice will damne us; *animam in vulnere*, in our enemies wounds our souls will bleed to death: 'tis madness to strike, when we are certain the blow will recoyle to our eternal destruction. Therefore the Apostle commands, as we wish well to our selves, to *recompence no man evill for evill*, *Rom.* 12. 17. Self-love is the motive why we should not hurt others. He exhorts by the natural affection which is due to our selves, not to *avenge our selves*, μὴ ἑαυτοὺς ἐκδικοῦντες, but *rather give place unto wrath*: *vers.* 19. The wisdome of God hath introduced an excellent temper in Government, and such as the sence of great evils prevailed with men to esteem very good, and confirm it by their laws. *Honorius* and *Theodosius* tell us, *judiciorum vigor, jurisque publici tutela videtur in medio constituta, ne quisquam sibi ipsi permittere valeat ultionem.* That of *Claudian* is true in this sense also:

Private revenge unlawfull.

Qui fruitur pœnâ, serus est.

Injur'd

Injur'd men are over paſſionate, and eaſily tempted to cruelty.

Amplius ex irâ; quòd enim ſe quiſque volebat
ulciſci, quàm nunc permiſſum eſt legibus æqui,
Idcirco eſt homines pertæſum vi colere ævum.

Upon theſe conſiderations God hath made revenge unlawfull, and beſide this obligation of divine precept, our hands are tyed up as ſtrongly as faith or promiſe can do it. This Covenant knits ſociety, and cements the civill body. Though we do not only fancy grievances (as the world is full of ſuch miſtakes) though we are really injured, yet it becomes injuſtice to right our ſelves. All the accompt we can give at Gods Tribunal, is only this, we did not ſin firſt. And this plea will afford miſerable comfort to be damn'd after another. That none might be tempted to ſtrike, becauſe others hands are bound up from returning the blow, God hath appointed a middle-way to deterre men from doing evil for fear of ſuffering it in as high a degree. For *Tertullian* ſayes true, *diſciplinæ intereſt, injuriam vindicari. Metu enim ultionis omnis iniquitas refrænatur.* The Foundation of our actions is the opinion we have of the good or bad, we ſhall receive by them; if they appear certainly hurtfull, and that we ſhall ſuffer by ſo doing, we moſt commonly forbear: I do not ſay alwayes, becauſe the will may thwart the underſtanding; elſe it were not free; and experience ſheweth, that ſometimes a leſſe good preſent, doth over-weigh a future, though certain greater evill. God will judg our cauſe, and revenge us upon wrong doers; but he performes this not immediately but by his Magiſtrates. He delegates his authority to them, and Saint *Paul* proclames their Commiſſion in theſe words, *There is no power but of God. Quicquid per officiarios facit, per ſe facere videtur*, what they do are legally his acts; we have not right to reverſe them

them by a ſtrong hand. If an inferiour Magiſtrate gives falſe judgment, God grants a liberty of appeale to him in a higher Magiſtrate; if he confirme the former unjuſt ſentence, it is lawfull to proceed by way of appeal, till we come to the higheſt; but then becauſe God hath appointed a peaceable end of controverſies, we muſt ſit down with the preſent loſſe, being fully aſſured God will judg this judg; we ſhall have another day of hearing in Heaven, and all damages ſhall be amply repaid. If we did believe this, our unnaturall diviſions would ceaſe; that is, if we were truly Chriſtians, we would not do as we have done, we could not reſiſt the higheſt power. I have warrant to ſay it, *Here is the patience and faith of the Saint*, *Revel.* 13. 10. they believed, therefore they ſuffered.

Upon ſuch conſiderations *Cyprian* grounds the duty, and ſhews the practiſe of the Primitive Chriſtians was very conſonant. *Inde eſt quòd nemo noſtrum, quando apprehenditur, reluctatur: nec ſe adverſus injuſtam violentiam veſtram, quamvis nimius & copioſus noſter ſit populus, ulciſcitur.* For this cauſe not any one of us doth make reſiſtance when you apprehend him, nor revenge your unjuſt violence: *Patientes facit de ſecuturâ ultione ſecuritas.* God is able to reward our patience, and to requite all our ſufferings. If we took delight in the miſery of our perſecutors, we might be abundantly comforted. But alas, we pitty them, and grieve more for their deplorable condition, then our own torments. God will avenge our innocent blood more ſeverely then any good man can wiſh for. *Tertullian* expreſſes the ſame in his eloquent manner, *Satis idoneus patienti ſequeſter Deus eſt.* Our goods are not taken away, they are ſequeſtred for our benefits, and intruſted in ſafe hands: God keeps them for our uſe, and will return them with ample increaſe. *Si injuriam depoſueris penes eum, ultor eſt*; if you will not fight, he will undertake your quarrell; and

and you need not doubt but your enemies will be ſoundly worſted; *Si dolorem, medicus est,* your wounds ſhall ſave you; *Si mortem, reſuſcitator est,* if you fall a Martyr, you ſhall riſe a Saint. *Quantum patientiæ licet, ut Deum habeat debitorem?* What cannot our ſufferings do? they make even God our debtor; he owes us Heaven for our ſelves, and he owns us Hell for our enemies; but we breath out our ſouls in prayer, that he may be intreated not to pay this.

The example of the *Thebane* Legion commands our imitation in the like cauſe. It is one of the nobleſt paſſages in all the Eccleſiaſticall ſtory; wherein Chriſtianity did ſhine forth in it's full luſtre, and it affords plentifull light for our direction. This band conſiſted of almoſt 7000 men, all Chriſtians. When the Emperour *Maximian* commands the whol Army to offer ſacrifice to falſ Gods, they remove their quarters that they might avoid (if it were poſſible) this occaſion of diſcontenting the Emperour. He ſummons them to perform their parts in this deviliſh worſhip. They are forced to return an humble denial, and their reſolution not to diſobey God, for whoſe ſake they had ever bin and would continue faithfull ſervants to him. The Emperour unſatisfied with this anſwer, puts them to a decimation; They ſubmit with much cheerfullneſſe, and dye praying for their murderer. After this ſad ſpectacle his commands are renewed; but prevail nothing upon the remainder. Wherefore they are alſo butchered without the leaſt reſiſtance; There was no delay in their death, excent from the wearineſſe of the executioners. This was truly to confeſſe him, who was led as a ſheep to the ſlaughter, and like a lamb opened not His mouth, and they a flock of His fold, were quietly devoured by ravening wolves. The Commander of this Regiment, *Maurice* could not contain his joy; when he had ſeen the firſt decimation gallantly ſuffered. How fearfull was I, ſayes he to his ſurviving ſouldiers, (for armed men

men may be tempted to defend themselves) least any of them upon colour of just resistance for self preservation in an innocent cause, should have strugled against this blessed slaughter! I was watchfull, and had Christs example in readines, who commanded his disciple to put his sword into his scabberd. *Salus vestra non periclitabitur, nisi vestris armis*; if you use not your weapons, I have Gods own warrant for your safety.

Despaire it self could not conquer one single patience, which yet creates valour in cowards, and makes them more couragious in such extremities, because they are fearfull; Since they are likely to endeavour most to preserve life, who are most terrified with death.

It would be more wearisome to me, then delightfull, or profitable to the Reader, to inlarge my proofs by that plenty of authorities, which offer themselves in the ancient Fathers and many Councels. The truth is, the labour is needlesse, their practice is so evident, that the greatest friends to Rebellion, will not betray so much ignorance as to deny it. They are forced to grant that they do such things, as those great lights of the Church, those holy men, though infinitely more oppressed then they can pretend to, durst not venture on. Thus fair we both agree. But why durst they not? Here they shew themselves; not because to resist Tyrants would have been a wicked, but a vain attempt; *vires deerant*, they were not able to go through with a Rebellion; what the Heathens admired as *extraordinary goodnesse*; (many of them being converted by this religious confidence, reasonably concluding, men that approved themselves very prudent in all other matters, could not be guilty of such madnesse as to die thus, unlesse they had good hopes to be recompenced in another life) these fomentors of strife call *weaknesse*, to the unspeakable scandall of such as have a true sense of godlinesse. It is an insufferable blemish to their innocence, and staines the pretious memory of those blessed Martyrs. If this

Not want of strength the cause of their patience.

this were indeed true, that they wanted not *will* but *power* to deſtroy, we can hardly blame their perſecutors who thought it wiſdom to prevent the blow by ſtriking firſt: it ſeemed but killing the Cockatrice in the Egg; they had ſmal encouragment to cheriſh frozen Serpents in their boſome, who when they had recovered warmth and ſtrength, would dart their poyſonous ſting at their preſervers. Certainly they had an extraordinary confidence they ſhould prevaile, els they would never ſo openly have diſcovered ſuch principals, and inſtructed States to provide better for their ſecurity hereafter, by utter diſabling them to do any hurt. Theſe men cry out againſt *Popery*, and yet profeſſe what all *good Proteſtant* eſteem the moſt malignant part of *Jeſuitiſme*. If this evaſion will not hold, they know not what to ſay for themſelves, and it may clearly be convinced of falſhood. For this very objection is made by the Ancients, and anſwered to our hands by themſelves. So carefull were they that poſterity might not miſtake their *goodneſſe*, and think it nothing els but an *impotency* to do evill. The Fathers ſpeeches, which witneſs ſufficient ſtrength, if Religion had not tyed their hands, cannot be imputed to any overreaching, or lying to gain reputation to their ſufferings (as Mr. *Goodwin* inſinuates in his Anticaval; and we ſhall anon take notice of it) our enemies would be extreamly glad to ſee their own art thus credited. But we have no reaſon to conceive them ſo impudent, and we may be certain, they were not ſo mad, as to face down the Emperour, and their other potent adverſaries (who would make great advantage of their ſo manifeſt untruths) by affirming what they muſt evidently diſcern falſe, and could not chooſe but ſee the contrary.

Cyprian ſaith expreſly, *Quamvis nimius & copioſus noſter ſit populus*, though we have competent forces more then enough to do the buſineſs, yet we wreſtle not with our oppreſſors, &c. The *Thebaan Legion* was in a poſture

posture of resistance, but they durst not lift up those hands into which the Emperour had put weapons, against his personal commands, though most unjust, most bloody; six thousand, six hundred and sixty six men of such extraordinary valour, as did not entertain the least fear of death, might probably have conquered (and this cruelty might have increased their party by the defection of male-contents) but they must certainly have made some sport for their lives, they could not have wanted that comfort, which to some tasts is beyond the pleasure of life, to die revenged. Besides, had not the Emperour and his under Princes known them true Christians, and been acquainted with the tameness of that profession, towards the highest power, he would never have hazarded a rebellion by making so considerable an Army desperate.

I will conclude this with *Tertullian*, who argues very handsomely, after he had spoken to this sence; we are so numerous you can hardly see one another for Christians, *cui, inquit, bello non idonei, non prompti fuissemus, etiam impares copiis, qui tam libenter trucidamur?* Though we had not the advantage of number, which yet you perceive we have, *numeri dammum virtus pensaret*, courage would supply this defect, and though fewer, since we contemn our own lives, we might be masters of yours. We could undo you, not if we should rebell, but if we would be idle; we do not fright you so much, as to desire you, to fancy us fighting against you; you were lost if we did not fight for you. What would become of you, if we should turn *Separatists? Si tanta vis hominum*, if such multitudes as we are should break out from amongst you, into any corner of the world, your Empire would sink for want of strength to support it. Your Cities would seem deserts without us, &c. In that thin remainder you would have many enemies, though but few men. Even now they would rebell, if they were not awed *multitudine Christianorum, pœne omnium civium,*

by thoſe multitudes of us, who are of ſome rank, almoſt all of us Citizens, and almoſt all the citizens are of us. Our example invites ſome to obedience, others fear our readineſſe to be commanded to reduce them to due ſubjection; *In Apologetico.* I may adde his other ſpeech in the ſame place, *Veſtra omnia implevimus*, we have filled your Cities, nay *caſtra ipſa*, your very camps would be empty without us Chriſtians. It is not poſſible to bring in more expreſſe, more clear teſtimonies in any matter; it is too probable; ſuch as have made a ſearch, are blinded with intereſt, and ſhut their eyes that they may not ſee this truth. I know not how to excuſe *Bellarmine*, *Alane*, *Ficlerus*, *Simancha*, *Buchanan*, *Hottoman*, *Knox*, *Brutus*; For theſe were ſchollers; and therefore not ſo likely to be deceived themſelves in ſuch an eaſie truth, as upon deſigne to deceive others. But I have a more charitable opinion of moſt of thoſe men, with whom we have to deale, though ſome have diſcovered plenty of malice, yet they are very few, of whom we can ſay, *ad evertendam rempubl. ſobrii acceſſerunt.* Some are *Enthuſiaſts*, and miſtake their own fancy for the Spirit, and the greater part do this miſchief out of ignorance, drawing out of broken ciſterns, the ſeditious writings of the *Roman* and the *Reformed Jeſuites*, and tranſcribing one another, and ſo are taught and teach to deſpiſe dominion, and ſpeak evill of thoſe things which they know not.

Sect.

SECT. III.

I Make no queſtion the propoſition is now evident, that the ſupream power in any State (let it be where it will, ſomwhere it muſt be, for elſe it were an Anarchy, and no Government) ought not to be reſiſted. This makes rebellion ſin, as tranſgreſſing divine and humain Laws. In the next place, for the perfect direction of conſcience, we muſt examine, in whom the ſupream power is placed; a miſtake in this is as dangerous, as an errour in the former. For as zeal, which is not according to knowledg, is impiety; for though it have the heat, it hath not the light, which is required to true devotion; ſo the moſt ſcrupulous obedience is but humble Rebellion, if it be miſplaced, and yielded to fellow Subjects againſt him who hath *jus regnandi*, the right to command them. Thus in an Ariſtocracy to aid one man againſt the Senate, is Treaſon againſt the State, and in a Monarchy (becauſe the conſtitution is different, and places the ſupream power in one) to aid the Senate (of which, that one is the head, and oppoſed to him, they are but like a liveleſſe trunk in order to thoſe things to which his influence is neceſſary, *Forteſcue* warrants the expreſſion, *ſine capite communitas non corporatur*) againſt the Monarch and ſupream Ruler, is Rebellion, and treaſon againſt the State. The Aſſumption therefore ſhall be:

Moſt neceſſary to know the ſubject of Supremacy.

The King of ENGLAND *hath this ſupream power.*] When this is proved, the conſcience muſt take Law from this neceſſary Inference, therefore it is unlawfull for Subjects to hold up Armes againſt the King

of *England*: Becauſe as it is an abſurdity in ſpeculation, ſo it is ſin in practice to deny the concluſion; there they offend againſt Logique, here againſt Religion alſo. For whatſoever is not of faith, that is, not of judgment; whatſoever we do againſt our own reaſon, and the light of conſcience, is tranſgreſſion.

The matter of this Diſcourſe is of high concernment. For as things now ſtand, on it hang Heaven or Hell, our ſalvation or eternall damnation. If the King be the higheſt power, you are bound to ſubmit to him; but if you have new Soveraigns, if your fellow Subjects are become the Lords Anointed, there may be ſome colour of juſtification. Except this be proved, you are altogether inexcuſable; as appears in the laſt Section, and therefore it will behoove you to hearken to *Solomons* advice: *My ſon, fear thou the Lord and the King and meddle not with them that are given to change. For their calamity ſhall riſe ſodainly*; Prov. 14. 21. 22.

The Kings Supremacy witneſſed by our Oath.

Certainly, unconcerned men will think I have undertaken no very difficult task. If I can but perſwade the Kings adverſaries, they have not forſworn themſelves, I ſhall recover them to due obedience (but I muſt tell them, if they were not perjur'd in taking the Oath of Supreamacy (not to mention now that of Allegiance) they are ſo in breaking it) the words are ſo expreſſe, that not any colourable gloſſe can be invented to excuſe the violation of this ſolemn Sacrament. [I, A, B. *Do utterly teſtify and declare in my conſcience, that the Kings Highneſſe is the only ſupream Governour of this Realm, and of all other His Highneſſes Dominions and Countries, as well in all Spirituall or Eccleſiaſtical all things, or cauſes, as Temporall, &c. I do promiſe, that from henceforth, I ſhall bear faith and true Allegiance to the Kings Highneſs, His Heires, and Lawfull Succeſſors, and to my power ſhall aſſiſt and defend all juriſdictions, priviledges, prehemineences, and authorities, granted or belonging to the Kings Highneſs, His Heirs, and Succeſſours,*

or

or united and annexed to the Imperiall Crown of this Realm.

So help me God, and by the contents of this Book.] It hath been replyed, That *this Oath is taken in opposition to the Pope, to exclude the Supremacy usurped by him for many years.* They speak truth, but not all the truth; for there are two parts in it. One, negative; by which we profess, that not any foreign State, or Potentate, nor the Pope hath this power. The other positive, by which the Subject of this power is specified. *The Kings Highnesse is the onely supream Governour of this Realm*, as in all spiritual things, and causes, so likewise Temporal. Both Ecclesiasticall and Civill supremacy are here asserted to be in the King. It was not thought sufficient to tell who was not Supream, but they declare also who was. When we had truly sworn the Pope out of this Kingdome, what necessity was there to make the people perjur'd? For certainly they forsware themselves, who solemnly testifie and declare in their conscience, That *the Kings Highnesse is the only supream Governour*, if the meaning of those words be onely this, that the Pope is not: It concerns us as highly as our Souls are worth, *reddere juramentum Domino*, to perform unto the Lord our Oath, and not to lift up those hands against the King, which were laid upon the holy Gospel, in witnesse of our submission to him *as the onely supream Governour*. What desperate malice is it to expose our Souls to every Musket shot? If we fall, we perish eternally. This sad contemplation, that we stand on the very brink of Hell, ready to be turned into the Lake of everlasting woes, by every sword; every bullet will smite our hearts, and make our arms feeble in the day of battaile: What confusion and amazement and horrour of conscience must needs seize upon all considering men? Think upon the heinousnesse of parricide, to murther a Father, is a sin greater then any one is able to bear:

But to ſpill the blood of our Soveraign (which they have done, who fought againſt him, for it is murder in Gods ſight; his goodneſſe in protecting his ſervant, doth not excuſe their ſin in endeavouring to deſtroy their King) whom God commands not to touch, and whoſe life we have ſworn *to defend with the utmoſt hazard of our own*, and we have deſired the Lord to revenge it in our deſtruction, if we do otherwiſe, is of a much deeper dye. For the King is *Pater patriæ*, a common Father to all without a Metaphor: what ever power Fathers had *over*, and conſequently whatſoever honour as an effect of this power, was due to them *from* their children, he hath right to challenge the ſame of all. And though we ſhould joyn together, and call our ſelves the Common-wealth, we can no more lawfully diſreſpect, give law to, reſiſt upon hard uſage, or ſay he is leſſe honourable then all we, then children by agreement may diſpenſe with their duty to their parents. It was our own act which united all particular paternal power in Him, and that theſe are truly transferred, and now really in Him, is very evident, becauſe elſe we ſhould be bound to obey our Fathers commands, before thoſe of the King. For divine precept ſtands in full force; *Honour thy Father, &c.* and therefore we muſt conteſſe, *tam pater nemo eſt in terris*, he that begot us, is not ſo much our Father, as the King is. It may be fit to take notice here, that the ſupream power of a State, hath by our particular deeds and common agreement, as much right over, not ſingle perſons onely, but the whole body, as every Father hath over not this or that childe onely, but his whole family: and as he cannot be ſaid, though *major ſingulis natis*, yet *totâ prole minor*, ſo neither a King (if this power be placed in one, which is eſſential to a Monarchy) *minor univerſis*.

King hath paternall power from conſent of the people.

Though

Though a Monarch hath greater right, and larger power, then even all the people could beſtow upon him; for he hath *poteſtatem vitæ & necis*; and this Fathers have not now over their children, over themſelves; it can only come from him who hath dominion over his creatures, and therefore the people muſt look upon him, not only as their *own*, but as *Gods repreſentative*; yet to ſay nothing of this, and to deale liberally with our Adverſaries, by ſuppoſing (though I cannot grant) their principles true, concerning the original of power being in the people, I can demonſtrably convince them by moſt plain and evident deduction from their own ſcheam.

He hath power of a higher nature from Gods grant.

I took this method in my *Anſwer to the Obſervations*, that by joyning iſſue upon their own grounds, I might put a quicker end to the debate. It would have required more time to ſhew at large, *The Kings power was from God* (which was proved in brief, and there, as is this diſcourſe, it is acknowledged to be reſtrained by His own or His Progenitors grants; *poteſt enim Rex vim regni minuere*) and ſo of much higher nature then the contribution of popular Votes could raiſe it to; it was abundantly ſufficient, to prove that *the people have not any legall power againſt the King*. The former is built upon this pillar, *nemo dat, quod non habet*; the power of the Magiſtrate was not in the people conſidered ſeverally, and before civill ſociety, and in ſuch a State, as the *Aborigenes* are deſcribed by *Saluſt. genus hominum agreſte, ſine legibus, ſine imperio, liberum atq; ſolutum, a multitude, not a Nation, and certain wild routs, without Laws, without Empire, free to doe or ſuffer wrong, and looſe from all poſitive obligations*. Not any one having *jus gladii*, a right to take away the life of man; it follows they could not beſtow it upon another; for what is not, cannot be alienated. And therefore the ſupream Magiſtrate hath more power then the whole people, and is *vice Deus*, Gods Vicegerent. Let them

take heed how they call *Gods Miniſters* the *peoples ſervant*; God hath taken ſpeciall care the Magiſtrate ſhould be honoured; and reſpect is due, as to his, not their creature.

The latter. That the people have not any legal power againſt the King, is as firmly ſupported by another pillar, *nemo habet quod dedit.* Suppoſe the original of power in the people, or as they love to ſpeak, ſuppoſe them the efficient cauſe of power, which cannot be but by giving to one man in a Monarchy, to a Senate in an Ariſtocracy, a right to uſe their divided ſtrengths. *Since therefore they cannot retain, what they have parted with, nor have what they gave away, he which hath all their power (I may add his own particular beſides) muſt needs be greater and more powerfull then they. The truth is, he is (in a Monarchy, and they are in an Ariſtocracy) the only fountain of all power and juſtice. Anſwer* to the Obſervation pag. 10. This is as certain, as that there are ſome governments beſides Democracy; for it is eſſentiall to them; what is that which makes Anarchy except this, that every man hath right to do what he will, in reference to any nationall Law? The only means to avoid this confuſion, is to reſign up this hurtfull liberty (which is very prudently done upon choice, but neceſſarily upon conqueſt) if it be given to one, we call that State Monarchy; if to few, we call it Optimacy; if to very many, who rule by turnes and are elected by the people, we call it Democracy. There cannot be any other ground to difference the formes of Regiments.

Demonſtration from the difference of formes of Regiment.

Hence appears the weakneſs of thoſe diſcourſes which have no other ſtrength then the impoſſibility that the people can make one greater and more powerful then all they (which is underſtood not of their natural,) this cannot be paſt away to another) but politique ſtrength, that is, the right of uſing their power, this may be, and is parted with, (except the Government be a Democracy)

mocracy) becauſe *Quicquid efficit tale, eſt magis tale.* The *reply* to the *Anſwer to the Obſervations*, confeſſes my argument, concluding, *if it were true that the people had parted with their power, pag.* 6. upon this the determination of the whole controverſie depends; and that it was rightly ſtated by me, will evidently appear; becauſe unleſſe the people have reſigned up their power, the Author can never ſhew how this State is a Monarchy. It doth not alter the caſe, that the King hath reſtrained himſelf from the uſe of this power to ſome purpoſes without their conſent, as for making new Laws or rayſing money; for this limitation only makes ſuch Acts illegall, but doth not return any power into them, whereby they may be enabled to raiſe an Army, or to oppoſe the Militia of the Kingdom againſt him, to compell him by ſtrong hand to govern according to Law. If the ſubject of this Power be the people, who may meet together and lawfully determine (for though He reſolve all into the two Houſes, yet if he follow the conſequences of his own principle, he muſt go thus high) what they fancy conducing to their own ſafety, we are clearly fallen back into Anarchy. To avoid this confuſion, the Author places it in their repreſentatives, but it will come to the ſame thing by undeniable deductions from his own grounds. For the ſame arguments which are made againſt the King, equally conclude againſt the two Houſes; ſince *Quiquid efficit tale, eſt magis tale*; and that they are intruſted for the common good, may be equally applied to them; and then King and Lords, and Commons are Voted away at the pleaſure of the multitude.

Arguments brought againſt the King, conclude as much for the people againſt the Parliament.

The ſumm of this Book is, that *the people retain their power, and therefore may make reſiſtance, in caſe he Govern not according to Law, and he is reſponſable for ſuch breaches*; The proof is, *He is intruſted for their good, and there is a mutuall covenant between King and People*,

People, and this violated by him diſſolves the compact.

I have in this Diſcourſe punctually examined theſe and what farther grounds of ſcruples I could finde in the replyer, as will appear more fully in the following Section. Being to anſwer ſo many, *I* would not treſpaſſe upon the Readers patience by an exact view of his particular miſtakes, which might have been confuted with great eaſe, but with no great advantage to the cauſe, to which I have ſpoken more cloſely, and as fully as I was able.

I will diſcover to him one deſperate conſequence from his principle, which it concerns him to bluſh and repent for. *There is a mutuall Covenant between King and People, and the breach of it diſſolves the compact*: if ſo, his Crown is forfeited, and he ceaſes to be King *de jure* upon ſuch violation, which he is now charged with, (becauſe they could not have any colour for taking up Arms, but upon this pretence.) Therefore the plain concluſion is, It is no want of duty in them, though they depoſe him; for it is no injury to take away, what he can challenge no right to; His claim was by virtue of compact, which is diſſolved by his not ſtanding to conditions, and ſo the bargain is unmade, the bonds of allegiance are broken a ſunder. The Houſes have laboured to clear themſelves from this wicked doctrine, by telling us the depoſition of the ſecond *Edward* and *Richard* was not to be numbered amongſt the preſidents of Parliament, and that no free Parliament ever attempted the like: and yet a private man dares publiſh ſuch manifeſt Treaſon. I am perſwaded that the Author, ſuppoſing a breach of covenant of His Majeſties part, and then telling us ſuch a breach diſſolves the compact, was not fully apprehenſive that this pernicious principle unkings his Soveraign. When he ſees his treaſonable errour, he will finde

finde, that Logick ill managed is a more dangerous weapon, then a ſword in the hands of mad men.

To return to further proofs of the Kings ſupremacy; That which makes a State one, is the union of Supream power, and this according as it is placed in one or more perſons, gives denomination to the form: ſo that all thoſe Acts of Parliament which confeſſe this a Monarchy, are ſo many ſolid teſtimonies of the Kings ſupremacy. *Kings ſupremacy further proved.*

The Anſwer is, *Though this be demonſtrably true in an abſolute Empire, yet it concludes not in a mixt Monarchy.*

I am very confident a miſtake of this *mixt Monarchy* hath engaged many well-meaning men againſt the King, to the overthrow of our Laws, which the ſimpler part are perſwaded they fight for; *Honeſtâ voluntate rebelles ſunt*, there are ſome who contribute their forces to deſtroy this Kingdome in behalf of the Common-wealth; and they are ſo farr deceived, as to be made unhappy inſtruments to advance private intereſts with publique hearts. And therefore it will be neceſſary to diſcover their *errour*, by which their unfortunate Country hath ſuffer'd as much, as by the *faults* of others. *The true meaning of that which is called* a mixt Monarchy.

They have not any ſhadow of excuſe to countenance their Rebellion from this diſtinction, unleſſe *mixt Monarchy* doe ſignifie either that the people in their diffuſive body, or by their Repreſentatives have a greater, or at leaſt an equall power with the King. The reaſon of which is, becauſe Inferiours by the acknowledgement of all, have not any juriſdiction over Superiours: and equals though they have not *imperium*, right to govern, yet if injur'd, and they require ſatisfaction, and upon denyall of it, attempt to compaſſe it by force. they are eſteemed by the Law of Reaſon and Nations, *juſt enemies*: whereas Subjects', if they make war upon their Soveraign, though when wronged, are worthily accompted Rebels. Firſt, The diffuſive body of the people hath

hath not greater; nay, not equal power with the King, becauſe they have not any legall way of expreſſing themſelves. Our Laws determine it Treaſon to enter into any aſſociation, or raiſe a Warre without the Kings conſent, and much more againſt his expreſſe commands. Secondly, the repreſentative body hath not greater nor equall power with the King. The ſame argument overthrows their claim; for the people cannot authorize them to doe beyond what themſelves were enabled to; therefore if actions of this nature were unwarrantable in the diffuſive body, they are ſo in the Repreſentative.

Repreſentative Body is not the People to all purpoſes.

It may be not unfit to obſerve, that the Repreſentative body is the *People* onely to ſome ends and purpoſes, whereto they were intruſted by them according to Law; and therefore no illegall ordinances, (ſuch as all thoſe are, which the King denies to ratifie) ought to be called the Act of the people: They are no more concerned in it, then if they ſhould take upon them contrary to Law, to ſtamp and coyn money with the inſcription of *Senatus, populúſque Anglicanus*, or to ſend Ambaſſadours, or denounce warr *againſt*, or enter into a League of freindſhip *with* Forreign Princes, or beſtow the great Offices of State, or diſpoſe of Wardſhips, or take to themſelves a power to raiſe Armes without His Majeſties conſent. *Again*, becauſe they repreſent the people, but to ſome purpoſes onely, though their principles were firm, (as they are extreamly weak) that the King is leſſe then His Subjects *conjunctim*, and that they collectively are more honourable then He, &c. yet they bring not the concluſion home to the two Houſes. Becauſe it doth not appear, and they had no reaſon to take it for granted, that the two Houſes (which they call the Parliament) are the people in this conſideration. A Jury is the repreſentative people, (as experience teaches, and we may finde it in Sir *Thomas Smith*) *l.* 2. *c.* 25. The legall anſwer to that interrogatory, *How will you be tryed?* is, *Dei populique judicio: by God and my Country*; and the Clerk

of

of the Sizes replyes, *Ecce tibi hi probi viri populum repræſentant*) and the Sophiſtry would be eaſily diſcovered, if we ſhould argue they are therefore more honourable than the King. We may take notice alſo, that their arguments are onely capable of concluding for the Houſe of Commons, (and if they follow the neceſſary conſequences of them; they muſt maintain the Lower, is above the Upper Houſe) for the Lords ſit onely in perſonall capacities, being enabled thereto by the prudence of our Laws; which thought it is reaſonable they ſhould have as great a ſhare in government as a negative voyce came to, becauſe they enjoyed ſuch ample revenues, that they were likely not to agree to any thing prejudicial to the preſent ſetled State.

I ſhall prove more fully, in the next Section, that thoſe who repreſent Subjects (and that but to ſome purpoſes, and not the King to any, for this would overthrow that fundamental conſtitution of three diſtinct Eſtates) cannot be equall to, much leſſe above their Soveraign. And that groundleſſe invention which denyes ſubordination, and introduces an unheard of coordination, ſuch as creates *Regnum in Regno*, and rents this Country into diſtinct Kingdoms, ſhall be refuted.

Since what is called *Mixt Monarchy*, cannot give ſuch a right as is pleaded for, that Subjects ſhould be free to wage Warr againſt their Prince, becauſe this liberty makes two Independent States, which are not compatible in one body, but would be as really diſtinct Kingdoms in *England*, as *Spain* and *France* are; I will endeavour to declare the true meaning thereof. If we ſpeak properly: there cannot be ſuch a thing as *mixtum imperium*. A mixt, or mixt Ariſtocracy, or mixt Democracy. Becauſe, if there are divers ſupream powers, it is no longer one State. if the ſupream power be but one (that is that Authority unto which *Le dernier reſort de la juſtice*, the laſt appeal muſt be made, and againſt whoſe ſentence though unjuſt, we have not any legal remedy) this muſt be placed either in one man, who

is

is the fountain of all juriſdiction, and then is is a Monarchicall government, or in ſome Nobles, and then the Regiment is Ariſtocraticall, and the ſentence of the major part of them becomes Law to all effects, whether concerning our goods or lives, or if the civill conſtitutions of a State directs us to appeal to the people, this is an abſolute and true Democracy. By a *mixt Monarchy* therefore (not to quarell about words) nothing but this can reaſonably be underſtood, that it is not παμβασιλεία, or παντελὴς μοναρχία, wherein the will of the Prince publickly made known, gives the Law, *Quod-cunque Principi placet, legis habet vigorem*; but βασιλεία κατὰ νόμον, a government not arbitary, but reſtrained by poſitive conſtitutions, wherein a Prince hath limited himſelf by Promiſe or Oath not to exerciſe full power. This grant is of force, becauſe any man may either totally reſign, or diminiſh his rights by Covenant. Hence it is that in Monarchies al Kings have ſupream power, though they have not all the ſame *jura Regalia*; their prerogatives are larger or narrower according to their particular grants. For example, our Kings have retained to themſelves the rights of coyning money, making great officers, beſtowing honours as Dukedomes, Baronies, Knighthoods, *&c.* pardoning all offences againſt the Crown, making warr and peace, ſending Ambaſſadors to negotiate with forraign States, &c. and they have reſtrained themſelves from the uſe of that power which makes new Laws and repeals old, without the conſent of the Lords and Commons in Parliament; as likewiſe from raiſing money upon the Subjects without their conſent.

Some do aske, *How are we the better, if we muſt ſuffer him to break this Covenant as oft as he pleaſes? it is the ſame thing not to have any Laws, and not to have proviſion for the obſervance of them.*

First

First, I must tell you, this objection is answered by shewing there is a necessity that some body must be trusted. It is no discretion to prevent a possible mischief by probable inconveniencies; if you will not trust one, you must trust more, that is, if you are weary of Monarchy (under which your fore-fathers enjoyed happy times, and experience cannot cozen you, though arguments may) you know the way to cast it off by placing so many guardians over your Prince, but have you any greater assurance then before? *Quis custodiet ipsos custodes*? They have as great temptations to faile their trusts as he had, and it is likely being warned by such a president of deserting your naturall Prince, they may fear your inconstancy, and upon pretence that you are subject to mistake; and because they suspect you may be *willing*, they will take such order, you shall not be *able* to call them to an accompt. But suppose this may not be, and that those who suppresse Tyrants (or perhaps excellent Kings under that name) may not be frighted with their own example, to make use of their present power, to exercise a greater Tyranny; for it is not impossible they should grow *jealous* too, and tell you plainly, they have no reason to *trust* you. If you deny them money, here is ground of diffidence, your design is to expose them to poverty, so to contempt, so to ruine. But suppose I say nothing of this, but that they will be secure amidst your jealousies, which manifestly endanger their safety; yet you will be forced at last to trust the giddy multitude, who are alwayes weary of the present government, because there are still some unavoidable defects and these are discerned by sense, and they have not such depth of understanding as to foresee greater mischiefs (which can only be judged of by reason) and therefore are easily perswaded to attempt a change so that your peace is built upon a very weak foundation you have no better security against a civill warr, then that

Difference between arbitary rule and government restrained by Law, notwithstanding hostile resistance unlawfull, though in case of violation.

that the greater part of the people will be diſcreet. If things proſper not according to their wiſhes, crafty men perſwade them, the fault lies in theſe who have the managery of the publique; and if thoſe be not removed, and honeſt and wiſe men (meaning themſelves) put in their places, their miſeries will daily grow upon them. A generall accuſation of ill-affected, malignant perſons, wicked Counſellors, is cauſe ſufficient to out their ſuppoſed enemies of all preferments, and put their pretended friends in their rooms. This opens a gap to all confuſion; civill Warr, & moſt unnatural diſtractions are the certain iſſue of it. Our own lamentable experience confirms this ſad truth. After you had obtained a perfect confirmation of al your ancient rights & liberties, with a gratious enlargement of them by new grants, and with ſuch ſecurity as your forefathers were not acquainted with, you are frighted with the poſſibility of a relapſe. To prevent which, it was thought fit to take away the Kings power, with which our Laws had inveſted him, as the neceſſary means for our protection, becauſe it was not impoſſible he might uſe it for our oppreſſion. Accordingly the Kings Navy, His Forts, Magazines, and the Armes of the Kingdom, are put into ſuch as you would call ſafe hands. I do not ask with what conſcience, but with what judgment you did this? The want of prudence, was as great as that of honeſty. What hath been the ſucceſſe of confiding in thoſe whom the Lawes had not intruſted? Are not your ſufferings infinitely multiplyed; Are you not extremely ſick of your remedy? The tables are quite turned; and your friends have undertaken the ſame bad game, and play it much worſe; you only make the ſtakes, and are in a probable way to loſe all that you have. What one thing did you complain of, which is not exceeded by them? Your grievances are highly improved; *Magna Charta*, and the Petition of Right are now malignant, they ſpeak not the

ſenſe

ſenſe of the Houſe, but take part with the King. To quote our good and ancient Laws, is interpreted a breach of Priviledges of Parliament; appeals are made to the people, the ready way to an univerſall confuſion. And they according to private information, and miſguided affections, did once paſſe this ſentence, that to impriſon without cauſe alledged, and to deny *Habeas Corpus's*, is no intrenchment upon the liberty of the Subject; to beſtow mens eſtates by whole ſale, and take away their Money, Plate, or Goods, doth not deſtroy the property of the Subject: To ſcorn and revile the Book of Common-Prayer, againſt an Act of Parliament, which ſeverely puniſhes ſuch contempt; and to ſupplant our eſtabliſhed doctrine and diſcipline by countenancing Anabaptiſm and Browniſm, conduces to the holy Reformation, and will in time effect that great work, and ſettle true Religion. Thus much by the way, to ſhew that we cannot have any abſolute ſecurity; in all Governments it is neceſſary to truſt ſome body. For if we ſhould retain a liberty to right our ſelves (not to mention the fatall miſchiefs of Anarchy, and that it is probable this freedome would be frequently abuſed to our wrong; ſelf-love making men partiall in their own cauſes) the deciſion of controverſies would be writ in blood, and we ſhould lay a fruitfull ſeed-plot of civill Warrs, contrary to the end of ſociety, which is to preſerve publick peace, though ſometimes with private loſſe; becauſe though we ſuffer ſome things by injuſtice, yet we enjoy great benefits by common tranquillity; but in the ruine of the whole, the rights of ſingle perſons muſt be deſtroyed. The hazard likewiſe appeares much greater, by enabling thoſe to injure us, whom the Law hath not intruſted with our protection.

To anſwer their objection fully, who would perſwade the people, there is not any difference between arbitrary Government, and Government reſtrained by Laws;

if Subjects may not compell their Soveraign to the obſervation of them.

Greater ſecurity would undoe us. For though we ſuffer ſometimes under reall grievances, yet pretended breaches of our rights (which can never be wanting, as long as ambitious perſons are diſcontented) would have the ſame influence to ſtirr up civill diſſentions; and it is a more prudent courſe, to oblige ſome to ſit down though wronged, then to open a certain way for Schiſm in the body by indulging a moſt pernicious freedom of righting themſelves. It was wiſely ſaid by *Seneca*, *Satius eſt à paucis etiam juſtam excuſationem non accipi, quàm ab omnibus aliquam tentari.* For Kingdomes are many times diſturbed upon meer pretences. There are ſuch who will ſet their Country on fire, onely to warm their own hands by it, and trouble the waters, that they may the better catch fiſh; that is, who will purſue private intereſts with hazard of publick deſtruction. He that doubts this, let him conſult Hiſtories, and he ſhall finde it hath been fatall to the beſt Princes to have the worſt Subjects. I appeal to mens conſciences whether they have not read and perhaps ſeen the reign of a moſt gratious Prince, a Prince eminently mercifull, and juſt, branded with the odious name of Tyranny! And when malice it ſelf cannot blemiſh his actions, when he is not ſo bad as they could pray for, (for they would have made great advantages, if they could charge him with perſonall vices, as unchaſt, intemperate, or negligent in performance of religious duties) yet craft hath done their buſineſſe, and abuſed the peoples weakneſs ſo farr, as to make them active in their own ruine, by that wicked Art of declaiming againſt evill Councellors. Of ſuch dangerous conſequence is it, to open a way to Civill Warr upon pretended miſcarriages in government! But grant, not fancied, but reall injuries; Yet

Non

——— *Non tanti eſt civilia bella movere.*

It is true, the people are then not ſo happy as they might be; but to make uſe of force as a remedy, will encreaſe their miſeries. It is certain, this Kingdome never ſuffered ſo highly under the greateſt Tyrant, as it hath already by this unnaturall Warr: and who can tell, whether it may not end in a univerſall deſtruction? If a King be forced to conquer againſt his will, who knows how farr he may be tempted beyond his naturall diſpoſition? It is a melancholly conſideration, that a peoples perverſeneſſe may change a gentle Scepter into a rod of Iron. But if Subjects prevail, we can ſee no end of the Warr. Forraign Nations will be poured upon this unhappy Land, and there will never be wanting at home a conſiderable party (as long as there are either honeſt or diſcontented men) to fight for the regaining his hæreditary rights; to keep whom in aw, our fellow Subjects will plead a neceſſity of being tyrants (I could wiſh it were not already acted upon us; firſt their will made neceſſity, and then neceſſity makes their will the meaſure of right and wrong, and deſtroyes all Law) their wants will give Law to us, and impriſon us upon bare ſuſpition of Loyalty, and ſeize on our eſtates for fear they may be honeſtly imployed.

Thus we ſee a neceſſity of truſt, and that we are bound not only in conſcience, but in prudence alſo, not to revenge the not performance of it. I can further make it appear, we have very good ſecurity (as ſtrong as humane wiſdome ever invented) that we ſhall live happily; and therefore we have no reaſon to rob our ſelves of thoſe great bleſſings which we lately injoyed, peace and plenty; upon vain fears and groundleſs jealouſies of imaginary miſeries. Our forefathers did not diſtruſt the ſound temper of this policy, and they enjoyed the benefits of it in a high degree.

Firſt, the King hath ſworn to preſerve our Laws, our Liberties, our Propriety, and Religion; as he deſires God ſo to proſper him, and his, and he performs this Oath unto the Lord, who will require a ſevere accompt. We may make a highly probable conjecture of the ſincerity of his royal heart, and the unfeignedneſſe of his many ſacred Proteſtations from his miraculous ſucceſſe. If God had not fought on his ſide, if the immediate hand of Providence had not ſupported him, in mans judgment he had been ſwallowed up.

Secondly, if he ſhould command any illegall things, the executioners of them are reſponſable, and muſt make ſatisfaction to the injur'd parties. And they cannot flatter themſelves with hopes of impunity; for once in three years a Parliament will call them to accompt, and they have a great Domocratical advantage for the obtaining juſtice; Becauſe the Kings wants cannot be ſupplyed without their conſent, and it is very unlikely he will deny any reaſonable petitions, or reject any deſires but ſuch as rob him of his honour, which is infinitely dear to him above plenty; except they endeavour to make him worſe then poore, (which cannot be by demanding juſtice) it is moſt probable he will readily aſſent.

Thirdly, His intereſts are the ſame with the Subjects. They are not like two buckets, when one is loweſt, the other is higheſt, but they reſemble the Head and the reſt of the Members & the Head cannot thrive by a conſumption of the Members. Illegall gainings from the people are ſhifts rather then true policy; they may ſerve a preſent turn, yet are not worth the price at which they are purchaſed, envy and diſcontents; whereas the gratitude of the Subject is a conſtant and cheerfull patrimony. When the King, like the Sun, in conſideration of what is drawn up from them, ſhall return it in plentiful ſhowres and the bleſſings of a juſt government, which makes a Land fruitfull.

Upon

Upon these grounds we have very good reason to promise to our selves a happy government; our hopes are much above our feares, especially after his greater experience of the unfortunate consequences of some miscarriages, and the strange blessings upon his strict observation of the certain and known Laws.

They that require fuller information in the nature of this government, may finde ample satisfaction in *Stawnford*, *Dyer*, *Crompton*, and Sir *Edward Coke*, That the King is the fountain of all justice, and consequently that the Laws have placed the supream power in the Crown. I have chosen rather to shew it out of *Bracton*, a man worthily famous for his knowledge in the Civill and Common Law, because the book is lesse common, and I finde his authority often abused to justifie their cause. *Sciendum, quòd ipse dominus Rex, qui ordinariam habet jurisdictionem & dignitatem & potestatem super omnes qui in regno suo sunt, habet enim omnia jura in manu sua, quæ ad coronam & laicalem pertinent potestatem, & materialem gladium qui pertinet ad regni gubernaculum, habet etiam justitiam & judicium, quæ sunt jurisdictiones, ut ex jurisdictione suâ, sicut Dei minister & Vicarius, tribuat unicuique quod suum fuerit. Habet enim ea quæ sunt pacis, ut populus sibi traditus in pace sileat & quiescat, & ne quis alterum verberet, vulneret, vel male tractet, ne quis alienam rem per vim & roberiam auferat vel asportet, ne quis hominem mahemiet vel occidat. Habet etiam coercionem ut delinquentes puniat & coerceat. Item, habet in potestate suâ leges & constitutiones, assisas in regno suo provisas, & approbatas, & juratas; ipse in propriâ persona suâ observet & subditis suis faciat observari; nihil enim prodest jura condere, nisi sit qui jura tueatur. Habet igitur Rex hujusmodi jura sive jurisdictiones in manu sua, lib. 2. cap. 24. Sect. 1.* And again, *Ea quæ jurisdictionis sunt & pacis, & ea quæ sunt justitiæ & paci annexa, ad nullum pertinent nisi ad coronam, & dignitatem regiam, nec à corona separari poterunt cùm faciant*

King's Supremacy proved out of Bracton.

faciant ipſam coronam. The Engliſh of it in breif, is this; The King hath ſupream power in all civill cauſes, and is *ſuper omnes*, over all perſons, over the body politique; all juriſdictions are in him; the material ſword of right belongs to him, & whatſoever conduces to peace that the people commited to his Charge may lead peaceable and quiet lives. The power of holding Aſſizes is derived from him, and of punſhing Delinquents. For Laws were vainly enacted, if there were not ſome body enabled to protect us by defending them, *&c.*

Theſe concluſions are naturally deduced from his premiſes. To diſpoſe the *Militia* of the Kingdome without the conſent of the Soveraign (and much more againſt his expreſſe prohibition) is illegall. To iſſue Commiſſions by any other authority then his, for killing and ſlaying, or taking mens eſtates by force, is againſt the known Laws: and to forbid the holding of Aſſizes (upon whatever pretence of advancing the Subjects property, by ſtopping the courſe of Juſtice) is deſtructive of the rights both of King and Subjects.

He defines the Sword, *lib.* 1. *cap.* 8. *Sect.* 4. Leſt Subjects ſhould think it lawfull to take it up in their own defence without his authority, *ſignificat defenſionem regni & patriæ*, it is the right to defend the Kingdome. *Populi ſalus*, the ſafety of the people (the pretence of which hath engaged them in a likely way of ruine) cannot diſpenſe with our Laws, which have enabled onely him to protect them. It is not poſſible to ſpeak more home then he hath done in the fifth Paragraph. *Omnis quidem ſub rege, & ipſe nulli niſi tantum ſub Deo. Parem autem non habet in regno ſuo, quia ſic amitteret præceptum, cum par in parem non habeat imperium. Item, nec multo fortius ſuperiorem nec potentiorem habere debet; quia ſic eſſet inferior ſibi ſubjectis, & inferiores pares eſſe non poſſunt potentioribus. Ipſe autem Rex non debet eſſe ſub homine, ſed ſub Deo & ſub lege, quia lex facit regem.* All are under the King, and the King is under God onely;

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He hath no equall in his Realm, (*no coordination here*) becauſe then he could not command all, for amongſt equals there can be no Empire. Therefore much leſſe are any his ſuperiours, or can challenge greater power, becauſe then he would be under his Subjects, *&c.* The King ought not to be under man. He is under God, and the Law, becauſe the Law makes him King.

The laſt words (though advantage be made of them, and *Fortiſcue* is quoted to the ſame purpoſe) can afford no juſt ground of ſcruple; for he explains himſelf within a few lines. *Lex facit regem*, ſignifies no more then that of the Roman Emperours, *Adeò de authoritate juris noſtra pendet authoritas. l. digna, c. de legib.* The meaning may be extended thus farre, That the people had a hand in the conveyance of their divided right unto him, and he may now challenge them by vertue of their own agreement, and by divine right alſo, but as preſuppoſing this conſent; becauſe God doth not immediately diſpoſe of Kingdomes now, and conqueſt ſignifies greater force, not juſter title; that oft times gives poſſeſſion, and a ſubſequent compact creates a true right. I do not deny but that conqueſt in ſome caſes may be a lawfull way of acquiſition; the provocation may be ſo great, that perſons and eſtates are forfeited to the victor; but becauſe the will is not capable of being forced, it doth not follow, he hath got a right over their goods and bodies; therefore they are His Subjects, and ow to him obedience. For to be ſubject, being a morall bond, where God doth not lay upon us any obligation, (as the duty of children towards their Parents doth not depend upon choice) it can onely flow from our conſent. But this conſent of the people was not an adequate cauſe, but a neceſſary qualification to make him capable of receiving a larger commiſſion from God. The Sword of Juſtice is blunt; the peoples agreement could not put an edge upon; it to cut off offenders; this is done by the Magiſtrate, as Gods delegate.

That the King is *ſub lege*, under the Law, hath this ſenſe, That he ought to govern according to thoſe ſtanding rules. His Majeſty freely confeſſes this obligation; and ſince experience hath taught him the benefits of ſtrict obſervance, he will not be intreated upon what plauſible pretences ſoever (and much leſſe will he commanded) to recede from their known and certain direction. But if he ſhould ſwerve from theſe rules, he is not lyable to any puniſhment, nor compellible by ſtrong hand; not for want of ſin, for he offends highly in that caſe, but for want of a ſuperiour juriſdiction. *Bracton* delivers this truth plainly, we have no legall remedy; we can only humbly Petition His ſacred Majeſty; *locus erit ſupplicationi, quòd factum ſuum corrigat & emendet; quòd quidem ſi non fecerit, ſatis ſufficit ei ad pœnam, quòd Dominum expectet ultorem. Nemo quidem de factis ſuis præſumat diſputare, multo fortiùs contra factum ſuum venire.* If he will not hearken to our juſt and reaſonable deſires, *ſatis ſufficit*, his puniſhment is more then enough, for he muſt render an accompt to him that judgeth righteouſly. Let not men preſume to queſtion his deeds; much leſs to undoe by force, what he ſhall doe, though not according to right. That you may not think this dropt from him unwarily, he repeats it in other places, and *lib. 6. tract. 3. de defaltis cap. 3. Sect. 5.* He puts the caſe, That *the King ſhould do injury, and a plea is brought againſt him, in whoſe behalf he did it; the King being Petitioned and perſiſting*, and he rules it thus; *Quo caſu cùm dominus Rex ſuper hoc fuerit interpellatus, in eadem perſtiterit voluntate, quòd velit tenentem eſſe defenſum cum injuria; cum teneatur juſtitiam totis viribus defenſare, ex tunc erit injuria ipſius domini regis, nec poterit ei neceſſitatem aliquis imponere quod illam corrigat & emendet niſi velit, cùm ſupetiorem non habeat niſi Deum, ſatis erit illi pro pœnâ quòd Deum expectet ultorem.* If the King, who is bound to adminiſter juſtice to his utmoſt power, will not recall

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the wrong he did upon a false suggestion, in this case, he injures his subjects, but no body can force him to do right, because he hath supream power; he hath no superiour but God onely, and it is sufficient that we shall have a day of hearing hereafter at a just tribunal, where he shall be punished for doing wrong, and we amply requited for our patient suffering. In *lib. 2. cap. 16. Sect.* 3. he attributes the higheſt authority to the King of *England*. If the place be rightly understood by a wise Chancellor of this Land, whose collections from thence I shall lay down; you may finde them in his case of the *Postnati*, *page* 107, 108. *De chartis regiis & factis regum non debent nec possunt Justitiarii nec privatæ personæ disputare, nec etiamsi in illa dubitatio oriatur, possunt eam interpretari; & in dubiis & obscuris, vel si aliqua dictio duos contineneat intellectus, domini regis erit expectanda interpretatio & voluntas, cum cujus sit interpretari, cujus est condere.* The sense is, that all *casus omissi*, cases not determined for want of foresight, are in the King: so that it gives not power to him to make new or abrogate old Laws without consent in Parliament, but the right of Interpretation belongs to him, not in plain and evident causes (for these needs no declarer; to challenge a right to declare all Laws, were in effect to make them; and then all the Subjects rights would be in their breasts; and depend upon arbitrary Votes) but onely in new questions, and doubts which must not be resolved contrary to old Law. By this it appears that Subjects ought not to judge of the equitable part of Law, and to overthrow the literall sense at pleasure, to the prejudice of their Soveraign. Our King hath as much right by our constitutions, as that civill Law gave the Roman Emperours, *Inter æquitatem jusque interpositam interpretationum nobis solis & licet & oportet inspicere, l. 1. c. de leg. & constit.* or that other, *Rex solus judicat de causa à jure non definita.*

Notwithstanding such expresse testimonies of the Kings supremacy, yet such is the ignorance of some (these

(theſe tranſcribing only, and only varying the method of treaſon in their ſeditious Pamphlets, as appears by that remarkable errour borrowed out of the *Obſervations of* Richard *the ſecond, being miſled by Spencer*, which I have met with in many of their libells) and ſuch is the malice of others, who have ſearched the place in *Bracton* by them quoted, that his Authority is cited againſt the King almoſt in all their Pamphlets which either ſpeak Latine, or pretend to have knowledg in the Laws.

Bractons *authority abuſed by them.*

The Author of *the fuller anſwer to Doctor Ferne*, tells us, *The two Houſes collectim conſidered in a joynt body, are not Subjects*, p. 4. And *Bracton*, he ſays, will bear him out in it. *Rex habet ſuperiorem, Deum ſcilicet; item legem per quam factus eſt Rex, item Curiam ſuam, viz. Comites, Barones, &c. The King hath above him, beſides God, the Law, whereby he is made King, likewiſe his Court of Earles, and Barons, &c.* This man hath betrayed either want of knowledg, or want of honeſty; I ſuſpect the latter, becauſe he muſt needs underſtand, that this was a very unfit proof of coordination between the three eſtates (upon the ſtrength of which his whole diſcourſe hangs, and it is meerly begged) for this concludes againſt it, and makes a moſt abſurd ſubordination of the Soveraign to ſuch a number of his Subjects, and therefore he confeſſeth, *he need not go ſo high.* The adding, &c. as *he hath above him his Court of Earls and Barons, and ſo forth*, doth diſcover their unfaithfull dealing. For firſt, here is not the leaſt mention of the Houſe of *Commons* (which they would ſeem to imply) and therefore it cannot ſerve their turn; and ſecondly the words following (craftily left out) ſhew the abſurdity of it; the reaſon of the ſpeech is, *quia Comites dicuntur quaſi ſocii Regis; & qui habet ſocium, habet magiſtrum; & ideo ſi Rex fuerit ſine fræno. i. e. ſine lege, debent ei fræenum ponere niſi ipſimet fuerint cum Rege ſine fræno*, (Becauſe Earles are *quaſi* fellows

fellows to the King (I may perhaps render the meaning by calling them his Peers) and *he that hath a fellow* (or a Peere) *hath a Master. And therefore if the King will indulge himself a looseneſſe from all Laws, they ought to impoſe thoſe bonds upon him, except they alſo will caſt off obedience to eſtabliſhed Laws. Then*, he ſays, *no farther remedy is left but crying to the Lord, and the Lord will return this anſwer, Vocabo ſuper eos gentem robuſtam & longinquam quæ deſtruet eos, &c.* by the way he does not ſay that Subjects ſhall call in a forraign Nation, that is Treaſon; but the *Lord will bring them in, becauſe they would not judg their people righteouſly.*

The diſtinct anſwer to it is, that *Bracton* lays not this down as Law, but when he had taught the quite contrary, *Omnis quidem ſub eo, & ipſe ſub nullo ſed ſub Deo tantum*; and *non habet parem*, and *ſufficit ad pœnam quod Dominum expectet ultorem.* He puts this ſpeech into the mouth of a man diſcontented at the abuſe of regall power, and arguing from the practice of that Age wherein he wrot; for the Rebellious Barons ſeized on the *Militia* of the Kingdom, which of right appertained to *Hen.* the third, as *Bracton* clearly delivers himſelf, *ea quæ ſunt juſticiæ & paci annexa, ad nullum pertinent niſi ad coronam, nec à coronâ ſeparari poterunt.* That he ſpeaks it in the perſon of another, appears from hence, that he begins it with *dicere poterit quis*: *ſome body may ſay, The King hath done Juſtice, and it is well*; and *why hath he not the ſame liberty to cenſure him if he do injuſtice; and accordingly to require him to perform his duty, leaſt he fall into the hands of the living God?* He proceeds immediately to *Rex autem habet ſuperiorem*, &c.

It would be very eaſy, for one better read in our Laws, then I am, to ſhew that the King of *England* hath ſupream right, from the nature of all Subjects lands holden of him in fee; which though it gives a perpetuall eſtate, yet not abſolute, but conditionall; for it depends upon the acknowledgment of ſuperiority, and is forfei-

Kings ſupremacy proved from the nature of all his Subjects tenures,

forfeitable upon a not performance of ſome duties, and therefore it returns unto him. For the breach of Fidelity is loſſe of *Fee*, as appears in *Duarenus*, *Weſembechius*, *Farinaccius*, *Molina*, *Socinus*, *Gail*, and they tell us that all Lawyers agree, that all *Feuda* are loſt by Rebellion; as alſo by our common Law, which according to the nature of the treſpaſſe, varies the forfeiture. In caſe of Treaſon, as taking up armes againſt the King, (for ſo you may finde it determined 25. *Edw.* 3. c. 2.) after legall conviction, all their Lands and Tenements are abſolutely in the Kings diſpoſall: in caſe of felony, the King hath a year, a day and the waſt, after which it paſſeth down to the heirs. It is very evident, that the King onely hath that high degree of property in his lands, which Lawyers call *alaudium* or *alodium*. The ſenſe is the ſame, though the words differ; for it is not materiall, whether with *Budæus* we derive it from the privative particle (*a*) and *Laudum*, which ſignifies nomination, ſo that it denotes *prædium cujus nullus author eſt niſi Deus*: to hold in his own full right, without any ſervice, any payment of Rent, becauſe from God onely, or like to thoſe of *Heinault*, who acknowledge no tenure but God and the Sun, *Pays de Hainault tenu de dieu & du ſoleil*, or elſe we may derive it from the ſame privative particle (*a*) and the Saxon *Leo* 8. or the French *leud* (a vaſſall or leigeman) and then it expreſſes thus much, a tenement without vaſſallage, *without burthen*, to which our Engliſh *Loade* retains ſome reſemblance.

But Subjects of what degree or condition ſoever, hold their lands *ut feuda*, in the nature of *Fee*, which implies Fealty to a ſuperiour. It is all one whether they belong to them by inheritance, or by purchaſe; for though they may ſometimes be dearly bought, yet ſuch is the condition of the alienation, that they cannot be conveyed without thoſe burdens which were layed upon him who had *novell Fee*. So that *Camden* p. 93. of his *Brittanna*,

tannia, obſerves very truly, that the King onely hath *directum dominium*, this being reſerved by the conquerours, who changed many of our laws, and introduced the cuſtomes of Normandy, and inſtituted all our pleas in French, and paſſed over the *utile dominium* onely; he gave though not abſolute yet perpetuall right, conditions being performed, to uſe and enjoy ſuch and ſuch lands. The higheſt expreſſion of a Subjects right which law will juſtifie, is this, *ſeiſitus inde in dominico ſuo, ut de feudo. He is ſeized of ſuch lands in his demaine, as Fee.* Now *Feudum* is manifeſtly a derived right, and founded in him who hath ſupream right, in conſideration whereof all lands held by Subjects are burdened with ſome ſervices, which differ according to the variety of grant from the King. Hence ſome tenures expire with life, others go down to our poſterity by diſcent, to whom the law gives *uſum fructum*, a right to uſe, enjoy and make all profits, but they are properly but *meſm*, or *meſme* Lords, as holding of an *over Lord*, or *Lord Paramount*, who is the *King*.

The Kings ſupremacy is as ſtrongly proved in that he is our *Leige Lord*, as appears by ſundry Statutes; for ſuch an one can acknowledge no ſuperiour, as *Duarenus* ſhews in comment. *de conſuetudin. feudorum. c. 4. num. 3.* And all Subjects are *homines legii*, leige men, and owe faith, and true alleagiance to him as their ſuperiour. The definition of Legiancy is ſet down in the great cuſtomary of *Normandy*, *Ligeantia eſt ex quâ domino tenentur vaſſali ſui, &c. Ligeancy is an obligation upon all Subjects to take part with their leige Lord againſt all men living, to aide and aſſiſt with their bodies and mindes, with their advice and power, not to lift up their arms againſt him, nor to ſupport in any way thoſe who oppoſe him.* The Lord likewiſe is bound to govern, protect and defend his leige people (ſo the Engliſh are often called in Acts of Parliament) according to the rights, cuſtoms, and laws of the Country. If Subjects break their faith

Leige Lord bound to ſome duties,

but not under paine of forfeiture, as *Leige men* are.

faith and prove diſloyall, their eſtates and lives are expreſly forfeited; and the King is enabled by law (as the fountain of all juriſdiction) to ſeize upon their goods and lands, and to deſtroy their perſons. If he perform not his duty (for there is a mutual obligation between leige Lord and leige men) yet notwithſtanding this failing, neither his Crown or any rights belonging to his Royall dignity are ſubject to forfeiture. Let them if they can, produce any one law to maintain their aſſertion. If there had been any, it would not thus long have been concealed, for they are not accuſtomed to diſſemble any advantages by overmuch modeſty. Indeed, they have not any ſhaddow of proof or colour of reaſon for it; and yet upon their bare word how many thouſands have hazarded their ſouls by aſſiſting rebells, which are eternally loſt, if they periſh in their ſinne? What madneſſe is it to believe their ſaying, before their and your own oaths? Is it poſſible you can innocently deſtroy your Soveraign, whoſe life you have ſworn to defend with your utmoſt power? Be not abuſed by that miſerable fallacy drawn from the nature of a Covenant. The miſtake lies here, that Law hath provided to bring Subjects offending to a tryall, but hath not, could not queſtion the King, and compell him to be reſponſable for want of a ſuperiour juriſdiction. All juſt proceedings muſt be *per legale judicium parium, & legem terræ, by triall of Peers and the Law of the Land.* But the King hath no *Peer*, and *lex terræ* doth not in any caſe diſarme the King of the Sword of Juſtice; it is not ſeparable from his Crown. Therefore he is exempt from tryal, and it cannot be juſt to puniſh him unheard, uncondemned. The conditions of Kings were very miſerable, if he who ſwears to govern the people according to the known Laws, ſo that they ſee what to truſt to; ſhould himſelf be liable to their arbitrary Juſtice.

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The Premiſes are firm; for the Major is part of *magna Charta*, and the minor is as evident, as that his Subjects are not greater then he; which ſignifies only, that thoſe which are under him, are not his ſuperiors. *Bracton* you may remember, is frequent in the expreſſion, *Rex non habet parem in regno*, and he is *tantum ſub Deo*, &c. There is beſides an antient Monument which ſhews the manner of holding a Parliament before the Conqueſt, which will afford us no ſmall light in this point. It is ſaid to be delivered to *William the Conquerer* by diſcreet men, at his command, and to have been approved by him; it runs thus, *Rex eſt capnt, principium & finis Parliamenti, & ita non habet parem in ſuo gradu*, &c. *The King is the head, the beginning and the end of the Parliament, and ſo he hath not any Peer or equall, but is himſelf the firſt degree. The ſecond is of Archbiſhops, Biſhops, Abbots and Priors holding by Baroney. The third is of Proctors of the Clergy. The fourth is of Earles, Barons and other noble perſonages. The fifth is of Knights of the Shire. The Sixt degree is of Citizens and Burgeſſes, and ſo the whole Parliament is compleated by ſix degrees. But we muſt know, that though any of the five degrees beſides the King, ſhall be abſent, if they were duely ſummoned, Parliamentum nihilominus cenſetur eſſe plenum*, the *Parliament is full in Law*.

The latter part is as manifeſtly true, that *Lex terræ* doth not in any caſe diſarm the King of the ſword of Juſtice. By our conſtitutions *Regia majeſtas eſt armis decorata*, and *legibus armata*; the *directive* part of Law concerns the King, the *penall* doth not; He ought to ſquare his actions according to this rule; but if they ſhould ſwerve from it, they cannot fall within the cognizance of his Subjects. All offences are puniſhable as committed againſt Him, His Crown and Dignity; and though the Law hath condemned them, they are pardonable by his *Grace*: which clearly demonſtrates, He

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is above penall Laws; and it is indeed an inſeparable priviledg of ſupream juriſdiction, let it be placed where it will, in one or more perſons. Naturally, (ſuppoſing men by diſtance abſolved from paternal dominion) that is, before a poſitive conſtitution of Empire, when men were equally free, it was not unlawfull to require by ſtrong hand ſatisfaction for wrong; but after an eſtabliſhed Government, this liberty was civilly reſtrained, and it is not in our power to right our ſelves but in a legall way, which is by Magiſtrates; and the laſt appeal lyes to the higheſt Governour, that the proceſſe may not be infinite, but we may have ſome certain and peaceable deciſion of all differences.

To conclude this Section, (for I ſhall have occaſion to inlarge my proofs in the next, in anſwer to their exceptions) we have ſworn to bear true allegiance to the King, (ſuch as have not, are nevertheleſſe ſtrongly obliged by divine Law, and this duty doth naturally flow from the right to govern.) I requeſt all men to examine their conſciences how they can excuſe themſelves from flat perjury, if they indanger his life and endeavour to deſtroy him. It is expreſſely high Treaſon to compaſſe his death, 25. *Edw.* 3. Though God in his great goodneſſe hath reſtrained their malice from effecting it, yet by ſhooting at him, by attempting to kill him, they are loſt temporally, their goods and Cattels, Lands and Tenements, and Lives, are forfeited in Law; and what is moſt lamentable, their ſouls are eternally ruined. Diſloyalty to their King is diſobedience to God. I need not aggravate the ſin, the Apoſtles eloquence is moſt powerfull, *They that reſiſt, ſhall reſiſt ſhall receive to themſelves damnation.* The caſe is extreamely plaine, I am amazed that the people ſhould be ſo bewitched into Rebellion, contrary to Oaths and ſolemn Proteſtations, and repugnant to Chriſtianity; For they are condemned out of their owne mouthes,

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unleſſe that groſſe *nonſenſe* be true, that they ſhot at him (as at *Edge-hill*) for His preſervation, and endeavoured to kill him in his own defence. It is miſerable comfort which the doubtfull ſignification of κρῖμα can afford; but ſinking men catch hold of every reed. *The word in the Greek is rather to be tranſlated judgement and puniſhment*, (the words following are peremptory) *and as* Piſcator *obſerves, thereby is not meant eternal damnation, but the puniſhment of the Magiſtrate in this life*: Maſter *Bridge* his Anſwer to Doctor *Fern*, p. 4. This cals to minde thoſe men of whom *Minutius Felix* ſaith, they did *optare potiùs quàm credere*, rather wiſh then believe that no ſuch thing as eternal damnation was intended. The Analogy of the place will evince, that this word κρῖμα is like a ſword with two edges, fitted not onely to kill the body, but to deſtroy the ſoule alſo. That it threatens puniſhment from the Magiſtrate is very true, but not all; you muſt needs be ſubject not onely for wrath, but likewiſe for conſcience ſake: *v.* 5. 13. *c.* to the *Romans*. You are exhorted not to rebell, becauſe you may be hang'd; but leſt confidence in numbers ſhould anſwer this objection, a ſtronger motive is uſed, you ſhall certainly be damn'd; It is probable, you may take the Gallows in the way, but however Hell will be the end. Though you eſcape a ſhamefull death, yet you have forfeited eternal life.

SECT. IV.

I Will begin with a moſt remarkable paſſage in *Calvins* Inſtitutions, wherein are many things worth our obſervation, and which will conduce much to the deciſion of the preſent diſpute. *Neque enim ſi ultio Domini eſt effrænatæ dominationis correctio, ideo protinus demandatam nobis arbitremur. Quibus nullum aliud quàm parendi*

rendi & patiendi datum eſt mandatum. De privatiis hominibus ſemper loquor. l. 4. cap. 20. *Sect.* 31. *If correcting unbridled governments be his work who ſaid vengeance is mine, we muſt not therefore take Gods office into our hands; we cannot think to reform the abuſes of higher powers is committed to us, to whom is given no other commandement but to obey and ſuffer. I ſpeak alwayes of private men.* This truth clearly delivered ſpeaks the goodneſſe of our cauſe, and demonſtrates the unlawfulneſs of taking up Arms againſt the King, though their ſuppoſition were true (as it is evidently falſe) that His Majeſty did caſt off the bridle of eſtabliſhed Laws, whereas He doth hazard His Life and Crown in their defence. The quarrell is, that he doth obſtinately maintain our good old cuſtomes and conſtitutions (ſuch as experience hath confirmed happy and beneficial to this Nation) and will not be overawed to make new Laws, ſuch as private intereſts would force upon Him and the Kingdome.

This is a ſure ground for conſcience to rely upon, and evidently deſtructive of moſt of their popular principles, which have poyſoned the affections of the Subjects. It is not lawfull for us to correct ill Governours, becauſe this cannot be effected without reſiſtance, and all private men have direct precept againſt this; that of obedience and patience. This will ſpeak home to the buſineſſe, when it will after appear, that all inferiour Magiſtrates oppoſed to the higheſt, whoſe Delegates and Miniſters they are, are but private men.

In the mean while, we may hence diſcover the falſhood of their principles, *viz.* That *the law of nature will juſtifie all reſiſtance againſt injuries, and for our own preſervation; that no people is ſo mad as to contract to their own ruine*, (and therefore may reſiſt any Magiſtrate, if their lives be indangered; the meaning is, if they have offended againſt known Laws, which will certainly adjudge them to die, the Magiſtrate ſhall bring

bring them to legall tryall at his own perill) *or to agree to be ill governed; and therefore since there is a mutuall compact, if Rulers perform not their duty, the compact is dissolved, and they are at liberty to right themselves, and to govern their Governours, and to fling the Pilot overboard, if he willingly steer upon the Rocks, not by way of jurisdiction, but self-preservation.* That the King is for the people, and Governours are appointed for the good of those that are governed, and *therefore Subjects are the more considerable men, and greater and more honourable then those who are placed over them, they bearing relation of the end, Magistrates but of the means,* and so the safety of the people must give Law to the Magistrate, if he will be peevish and protect them according to old Laws, when they fancy greater benefits from Innovation; that *Quicquid efficit tale, est magis tale*; but *according to their grounds, private men made all Magistrates, (for before they constituted some form of Regiment by paction and agreements, they were but a multitude of men, amongst whom none had jurisdiction over other)* the conclusion is, *therefore private men are more Magistrates, and may call even the highest to accompt, and force him to be responsable for what ever they judge abuse of power.*

The grounds upon which our seditious writers doe argue, are very contradictory in themselves, and yet all of them conclude for Rebellion.

Some (and I think the greater part) confesse, it is unlawfull for private men to resist the Magistrate, though abusing his Authority. These must needs acknowledge the weaknesse of those arguments (which yet they constantly presse, and which prevaile most upon the peoples affections) that it is a senseless thing to imagine, we can be obliged to be slaves, in case a King be guided by his Lusts, not Laws, or not to preserve our selves against bloudy Tyrants. For their determination is contrary, that private men for want of

authority to arm them, are bound to ſuffer. And *Calvin* is expreſſe, *lib.* 3. *c.* 10. *Sect.* 6. *Nullum magis præclarum facinus habetur, etiam apud philoſophos, quàm liberare tyrannide patriam. Atqui voce cœleſtis arbitri apertè damnatur, qui privatus manum tyranno intulerit.* They maintain therefore, though private men ſinne in reſiſting, yet if countenanced by inferiour Magiſtrates, then it is not Rebellion, but a juſt War. Theſe may be clearly convinced, if they will but conſider, that inferiour Magiſtrates are ſuch onely in reſpect of thoſe who are under their juriſdiction, becauſe to them they repreſent the King, but in reference to the King they themſelves are but Subjects, and can challenge no juriſdiction over him.

Some ſtate it thus; though not private men, nor yet inferiour Magiſtrates, yet ſuperiour power may bridle the exorbitant luſts of Princes by force of Arms; this we grant, and therefore acknowledge, that in an Ariſtocracy where the Laws place the ſupream power in ſuch a body of men, what is done by their authority ought not to be reſiſted; and if any one man take upon him regall power, contrary to their conſtitutions, he is a Traytor, and may be cut off. But this concludes nothing in a Monarchy; *Res apud alios acta, aliis non præjudicat*; for their errour is, They make the two Houſes the Kings ſuperiours; who themſelves diſclaim it in words, and ſeem to aske you, who made them ſupream Ruler? for all their petitions (which are the acts of them not as *ſingle* men, but as *united* bodies, and conſidered *unitivè*, not *diſjunctivè*; *ſociably* not *ſeverally*) carry this truth in the Title, *Your Majeſties humble and obedient Subjects, the Lords and Commonds in Parliament, &c.* which acknowledges their obligation to be under him; and to ſay otherwiſe would be of dangerous conſequence; for if they be not His Subjects, they put themſelves out of His protection.

Seme

Some again think it too groſſe and abſurd to maintain, that Subjects in any capacity are above their King, and therefore a *coordination* ſerves their turn. By which if they mean an equall right in the King and the two Houſes of a negative voice, in reſpect of new Laws to be enacted, or old abrogated; this is granted; but will doe them no ſervice; and indeed it overthrows their cauſe. For as the King doth not pretend that he can make uſe of his power to make new laws without their conſent; ſo by the ſame reaſon, neither can they challenge a right of taking away our old Government without the Royal aſſent. But if they mean by coordination, a diviſion of Soveraignty, this is againſt the nature of it, and a clear contradiction. So that, if he be our onely Soveraign, there is no ſuch thing as coordination; if they be joynt-Soveraigns, in what a miſerable condition are we *Engliſh-men*, who ſhould be bound to impoſſibilities, to obey three Maſters commanding contrary things? They might as well challenge us to do homage to them, which is and ought to be performed onely to the King, *cum per id efficiamur homines ſolius illius cui juravimus*, as the Civilians determine; and we cannot be *duorum in ſolidum: l. Si ut cer. Sect. Si duobus D. commodati.*

Some, and thoſe the moſt deſperate mutineers, lay ſuch principles, as will bring in a certain confuſion: For they tell us obedience is commanded onely to good Magiſtrates; if men intruſted to govern according to Law, faile in their duty, they ceaſe to be Magiſtrates; for theſe are defined *Dei miniſtri nobis in bonum*, *The Miniſters of God, for the good of the Common-wealth*; ſo that to deſtroy ſuch, is to reſiſt the *men* onely, and not the *power*; it is a warre againſt the *perſon* onely, and not the *authority*, which is no ne, if uſed againſt Law; becauſe that doth not enable any to deſtroy it ſelf; the Law cannot die legally; by power is not meant Δύνα-

μις, what they may doe by ſtrength, but ἐξουσία, what they ought to do in right.

This is the moſt reaſonable doctrine, becauſe coherent to it ſelf throughout, but the moſt ſeditious doctrine likewiſe, becauſe it gives a full liberty to the people, not onely a repreſentative body, (and therefore in the diffuſive much more, becauſe all the right *they* can pretend to againſt the King, is derived from *this*) but to any part of them, to any private man to reſume, (as ſome expreſſe it) their power, or as others, to make uſe of that power which they never parted with to their own inconvenience, and ſo all neceſſity of ſuffering, except when they have deſerved it, is taken away, and Chriſtianity is made a tame madneſſe.

To return to *Calvin*, who following words are much abuſed (though I muſt confeſſe ſome conceive them craftily laid down by him, in reference to the time and place when and where he lived, and that his deſigne was to inſinuate ſome ſmall colour in plauſible Generals, for that moſt unjuſtifiable action of the Citizens of *Geneva*, who had lately caſt off their true Prince, becauſe a Biſhop of a contrary religion) after he hath informed us, that God requires all private men to obey or ſuffer though under Tyrants, he addes, *Nam ſiqui nunc ſint populares magiſtratus*, &c. *If there be at this time any Magiſtrates appointed by Law in behalf of the people, to reſtrain the licentiouſneſſe of Kings, ſuch as were the* Ephori, *oppoſed and ſet over the* Lacedæmonian *Kings, the Tribunes of the people which curbed the Roman Conſuls, and the* Demarchi *who bridled the Senate at* Athens, *&c.* upon this ſuppoſition *they not onely may, but ought to reform the abuſes of government, and to do right to the poore Commonalty whoſe guardians they are.* This is undeniably true, but impertinent to the perſent controverſie, becauſe the People or Nobles cannot challenge that power in a Monarchy, with which they are

inveſted

inveſted under an Ariſtocratical or Democratical regiment, ſuch as *Athens*, *Rome* and *Sparta* were.

It is very obſervable by the way, that by reaſon the ſupream power was placed in the *Lacedæmonian* Ephori, and *Roman* Tribunes, &c. their office made their perſons ſacred and inviolable. They did juſtly challenge the ſame impunity, which we maintain, belongs to Kings in a Monarchy; for I argue not from the name, (for though the Duke of *Venice* were called King, it would not inlarge his authority, and the *Spartan* Kings had onely a Royall title, but were truly Subjects, as we learn from *Plutarch* and *Polybius*) but from the nature of that power wherewith the conſtitutions of a Realm do inveſt one perſon. Hence appears the unreaſonablenes of their ſeditious invectives founded upon ſome inconveniences, becauſe power will probably be ſooner abuſed, if any perſon may doe what he will, and not be reſponſable for his injuſtice. Theſe kinde of Declamations, with which their Preſſes and Pulpits labour, ſtrike equally at all government. For there is a neceſſity we ſhould lie open to ſome poſſible evils from the abuſe of authority, or elſe we cannot provide for greater and certain goods of common peace and publique tranquillity. It is no prudence to cure the miſcarriages of government by a legall confuſion, ſince even the worſt government is leſſe miſerable then Anarchy.

I believe, I can make a full diſcovery of thoſe wicked Arts, whereby crafty men have opened a way to the advancement of their covetous and ambitious deſignes at the price of publique calamity. *Tib. Gracchus* was excellently learned in thoſe damnable politiques; and I deſire all indifferent men to judge whether the unhappy diſturbers of *England* have not exactly managed the miſeries of this Kingdome according to his principles. He propoſed ſome Laws, which might well become a reall lover of his Country, but his violence in

Gracchus *his seditious practises, their patern.*

the illegall eſtabliſhment of them, which did evidently tend to confuſion, did make it apparent, that publique pretences were taken up in order to the ſatisfaction of private luſts. *Marcus Octavius*, as his fellow Tribune, had the right of a Negative Voice; for if one Tribune diſſented, no Ordinance could be made which ought to have the power of Law. He not able to effect his ends, informs the people that this oppoſition between their equall authorities did threaten civill warre, and therefore it would concern them as they loved their own ſafety, which was the ſupream Law, to decide this difference, by recalling that power which they had beſtowed, to the end they might receive benefit therefrom; but which was now abuſed contrary to a truſt repoſed, to their prejudice. The iſſue was, he prevailed with them to depoſe *Octavius*, and he made them ſubſtitute a mean perſon, one of his dependants. But being ſenſible afterwards, that amongſt all his illegall Acts, this gave moſt diſtaſte, not onely to the Nobility and Gentry who were indued with clearer underſtandings, but even to the ſlowly-apprehending Commons, and that it proceeded from lawleſſe paſſion to debaſe the higheſt dignity of Tribune of the people, and expoſe that ſacred function to ſcorn and contempt, which ever before was juſtly eſteemed inviolable, and ſuch as ſecured the perſons from being touched, he brings theſe colours to excuſe that moſt unpreſidented action.

The Authority *of Tribunes is truly ſacred and inviolable, but for no other cauſe then as particularly devoted to protect the people, and eſtabliſhed to advance their welfare: If therefore a* perſon *thus highly entruſted, failes in performance of duty, ſuffers the people for whom he ſerves, to be oppreſſed, and endeavours to abridge their power, and denyes to them the means of expreſſing their will and pleaſure by his vote; (for he is but their mouth, enabled by them to declare their meaning.) In this caſe he forfeits all Priviledges and Prerogatives due to his Office, becauſe he thwarts*

thwarts thoſe very ends which firſt moved the people to beſtow upon him ſuch large pre-eminences: for if otherwiſe we muſt be bound to ſit ſtill, while he puls down the Capitol, or ſets the Navy on fire, and notwithſtanding any violences, or whatever exorbitancies of his luſts and wildeſt paſſions, tamely to obey him as our Tribune, that is ſuch an one who by vertue of our truſt for the improvement of our ſafety, uſurpes a right to cut our throats, and is our ſervant to deſtroy us; Certainly if he endeavour to ſtop that breath which created him, and to overthrow the underived authority of the people, he is no longer their Tribune. Is it not a moſt unreaſonable thing, that a Tribune may impriſon the Conſul, if it conduce to the preſervation of the State, becauſe in that the peoples ſafety is concerned; and yet that the people cannot depoſe him in their own defence, and reſume their power when imployed to their ruine? For as the Conſul, ſo the Tribune likewiſe is the peoples creature; they live and move, and have their being in their election. Again, Regall dignity (in which the powers of all other Magiſtrates of what degree or rank ſoever, were united and made up a perſonal Soveraignty) was declared ſacred and holy by the moſt ſolemn and moſt religious Ceremonies, as approaching nearer to, and partaking much of Divinity: nevertheleſſe people expell'd Tarquin, *abuſing his Royall power, and ſome perſonal faults were thought a ſufficient reaſon to take away the moſt antient Magiſtracy, and that which founded* Rome *itſelf. There are not in this City any perſons more holy, more venerable, then thoſe pure votareſſes, the Veſtall virgines, whoſe charge it is to preſerve the eternall fire. But if they ſtain their honour, our Law buries them alive: They cannot challenge any priviledges belonging to their ſacred employment, becauſe when they ceaſe to reſpect the Gods, we no longer ow a reverence to them, which is paid onely in order to their ſervice of the Gods. Can it then be reaſonable to ſuffer the peoples enemy, to enjoy the priviledges due to their Protector? He would cut off thoſe hands which hold him up. If the conſent of the*

major

major part could make him Tribune, ſhall not the ſame power which did conſtitute, be equally ſtrong to diſſolve? and much more can a greater power depoſe him, the concurrence even of the whole people declaring him unworthy. What is more holy, what leſs to be violated, then things offered up and conſecrated to the Gods? And yet no man darcs forbid the people to make uſe of theſe, or to remove them from one place to another, as oft as they ſhall judge it convenient ſo to do. By the ſame reaſon, without diſhonor to the Authority, they may diſcharge the perſon, and chooſe out a better habitation for that ſacred office. That the Magiſtrate is ſeparable from the man, is evident, becauſe many, when made by the people, out of a love to a retired life, or a ſenſe of their infirmities, and unfitneſs to manage the publike, have depoſed themſelves; others have intreated the people to chooſe more able ſervants. Plutarchus, *in the life of* Tiberius, *and* Cajus Gracchi.

It is needleſs to make the application. Obſerve the event; This illegal deed (which was juſtified only by a pretended neceſſity, for I know not what imminent dangers did threaten the Commonwealth, except this Bill did paſs) being ventured on by the unconſidering multitude to avoid Civil War, proved the ready means to kindle it. The flames of which ſuddainly conſumed the Author, with many of his adherents. For one *Naſica* ſo managed *Gracchus* his ſeditious principles, that he killed him with his own weapons. For taking advantage of the many diſcontents, he requires the Conſul to aid the publike ſafety, by deſtroying him who had uſurped a tyrannical power. The Conſul replyes with much moderation, juſtice and prudence, *It did not become him to make force the meaſure of right, nor could he kill a common Citizen, before he were brought to a legal tryal, and condemnation had paſt upon him. But he promiſes, if the people either ſeduced or awed by* Tiberius, *ſhould Vote any Ordinance contrary to eſtabliſhed Laws, he would*

would eſteem it of no force, and would not yield to the obſervance of it. *Naſica* riſes up in a rage, and gives the word to the Tumult; Since then the chief Magiſtrate neglects the common ſafety, we muſt not be wanting to our own preſervation; ſuch as will maintain the reverence due to lawful authority, follow me. In this mutiny *Tiberius* falls a ſacrifice to the publike peace.--- Stones and Staves were the onely weapons by which this popular man, and above three hundred of his companions were deſtroyed. The behaviour of *Bloſſius* a great Incendiary, and an over active inſtrument to advance wicked deſigns, is very remarkable. He being arraigned before the Conſuls, confeſſes freely, he had executed what ever *Tiberius* had commanded him. *Naſica* askes him, what he would have done if he had been commanded to fire the Capitol? He replys, *Tiberius* would not have commanded ſuch a thing; others preſs hard upon him to tell his reſolution, in caſe *Tiberius* ſhould have commanded it; He plainly tells them, He had then done it, being confident *Tiberius* would not have commanded it, except it were for the good of the people. The parallel will be defective, if there have not been unhappy inſtruments, who captivating their ſenſe to an implicite faith, and believing not what themſelves feel, but what others Vote, are active in their own ruin in purſuance of ſafety, and pull upon themſelves miſery and deſtruction in obedience to thoſe Ordinances, which tell them the Subjects happineſs is thereby advanced.

There are other circumſtances fit to be taken notice of. He had provoked ſo many, he did not dare to be a private man again (not any *perſonal ambition*, but only *State jealouſie* would not permit him to lay down his power) and therefore he ſo contrives his buſineſs, that the people may chooſe him Tribune the following year, not ſo much to ſatisfie any private deſire (for he would ſeem to rule onely in obedience to their commands) as

to

to provide for their good in his own ſafety. The way to this end was to court the Commons by all popular Arts. He propounded new Edicts, by which the time of military ſervice was ſhortned, and ſome years were cut off from the prefixed number, in which Romin Citizens were bound, when called upon to perform the duties of War. He made it lawful to appeal from any ſentence to the judgement of the people. To the Senate (in whom onely before the authority to adminiſter juſtice did reſide) he joyned an equal number of the inferior Commons, ſo that a major part of them, with a minor part of Senators, if they made the major part of the whole, did ſway all buſineſſes. Thus, ſaith *Plutarch*, by all poſſible ways, leſſening and weakning the authority of the Senate, by creating greater power in the people, rather out of wilfulneſs and obſtinacy, then ſound reaſon, which muſt needs perceive, it was void of all Juſtice, and very diſadvantageous to the publike intereſt: He had ſome other little Arts which ſtood him in good ſtead; when the Votes of the people were to be numbred to authorize his Edicts, if he perceived his adverſaries would prevail in number, becauſe ſome of his party were abſent, he would take ſome opportunity to pick a quarrel with his fellows, only to divert the buſineſs for the preſent, and gain time; and if that would not do, he would diſmiſs the aſſembly, and command another meeting. Then would he appear firſt upon the place in mourning apparel, and with afflicted looks, and humble countenance, ſadly requeſting the people to take compaſſion on him, who ſuffered ſuch miſerable things, and feared worſe onely for doing them ſervice; and deſiring them to reward his faithful endeavor by loving his poor Wife and little Children; for he gave himſelf for a loſt man, ſince he had reaſon to fear (yet the cauſe in which he ſhould fall was an unſpeakable comfort) that the enemies of the Commonwealth, and ſuch as maligned their happineſs,

pineſs, would come upon him in the night, and force his houſe, and murther him. Theſe well diſſembled grieſes ſo wrought their paſſions, that the abuſed Citizens ſet up Tents about his houſe at their own charges, and maintained a conſtant Guard for his protection.

When ſuch men ſhall make a State miſerable, under pretence of improving its happineſs, and challenge to themſelves a right to break all ſettled conſtitutions, under colour of forcing upon the Kingdom new Laws, which will be more beneficial; when they ſhall impriſon us at pleaſure, that we may enjoy our liberties, and take away our goods to ſecure our property, and puniſh the moſt orthodox, conſcientious, and painful Preachers, and impoſe upon Congregations factious Lecturers to ſettle true Religion; and when they have acted ſuch high miſchiefs, ſhall tell us, the Nobility and Gentry of the Kingdom are Malignants, and delight in, and contribute their aids to advance an illegal government, who are certain to ſuffer moſt in it, it is time to cry out,

Quis tulerit Gracchos de ſeditione querentes?

I have been tempted to a large digreſſion, becauſe the ſame Arts which made *Rome* miſerable, are viſible in our calamities. I will now proceed with *Calvin*; after he hath very conſcientiouſly inſtructed us in our Chriſtian duty, by ſaying all reſiſtance is unlawful unleſs undertaken by the authority of Magiſtrates, whom the Law enables to be the peoples protectors, and gives them the higheſt power (which can onely be in an Ariſtocracy or popular State) he hath afforded too great an occaſion for miſtake by an ungrounded conjecture. *Et quâ etiam ſorte poteſtate, ut nunc res habent, funguntur in ſingulis regnis tres ordines, quum primarios conventus peragunt.* *And the ſame power (which the Tribunes of Rome,*

Rome, &c. had) as things now ſtand; peradventure belongs to the three Eſtates, when they hold their principal aſſemblies; I could wiſh, I were able to excuſe him from temporizing; yet he lays it down extream cunningly, *perhaps, peradventure*; if this chance to be otherwiſe, you have nothing to ſay for your ſelves; you are condemned out of his mouth, and in a point of ſuch highly concerning conſequences, you have no reaſon to change his adverbe of doubting into an aſſertive. I ſhall oppoſe to his *perhaps*, it is certainly not ſo in *England*, becauſe our Laws make this a Monarchical government, and ſo different from that of *Rome*, or *Athens*, or *Sparta*, and therefore conſcience hath no warrant of reſiſtance againſt him in whom the ſupream power is placed.

The work of the ſecond Section, was to prove it unlawful for Subjects to reſiſt him or them, in whom the ſupream authority, that is, all the legal power of the Kingdom in order to raiſe arms is placed. I ſhall now ſhew the invalidity of their exceptions againſt it, by manifeſting, that no diſpenſation grounded upon what cauſes ſoever, as indeavors to make them ſlaves or beggars, or to introduce another and a falſe Religion, and what elſe may be comprehended under the extream abuſe of this power to their oppreſſion, or upon any perſons, as inferior magiſtrates, or any colour of preſerving the authority of the man, by fighting, and as much as in them lies, deſtroying the man in authority, or of making the power well uſed for the good of the people, and not the perſon abuſing that power, to be the miniſter of God, &c. can excuſe ſuch reſiſtance from the ſin of Rebellion, and from Θεομαχία a fighting againſt God in deſpiſing his ordinance.

Tyrannydoth not diſpenſe with the Subjects duty of allegiance

Tyranicall abuſe of Power doth not make taking up arms againſt the ſupream Governour lawfull.

This truth is confeſt in words even by their chief Writers, though in the mean while, they make uſe of ſuch

ſuch arguments to prevaile on the peoples affections (and exhort them againſt the King in the feare of God) as clearly overthrow this acknowledgement. The *fuller anſwer to Doctor Fern* ſaith thus, *There are two kindes of tyranny*, regiminis *and* uſurpationis; *that of government, though never ſo heavy, yet muſt be indured not onely to the good*, (ſayes the Apoſtle 1. Pet. 2.18.) *but the froward too, and therefore I know no man that defends the ten tribes revolt from Rehoboham.* p. 22. when they complained of ſome grievances under which they had groaned in his fathers reign, he was as indiſcreet, as unjuſt, and told them, he would oppreſſe them more, and yet becauſe he had *jus regiminis*, it is ingenuouſly granted, it was unlawfull for them to Rebell.

The *brief anſwer to Doctor* Fern, thus, *we profeſſe againſt reſiſting power, authority, though abuſed.* He doth not hide himſelf (as ordinarily) by dividing the *power* from the *Perſon*, who is inveſted therewith, but concludes againſt reſiſting the *men* alſo. *If thoſe who have power to make laws, ſhall make ſinfull laws*, (that is, prove tyrants) *and ſo give authority to force obedience, we ſay here, there muſt be either flying or paſſive obedience*, p. 113. By the ſame reaſon, if he that hath onely power by laws already made, to train, array, and muſter, and to diſpoſe of the *Militia*, with which he is intruſted for his Subjects protection and his own ſafety, ſhould put them into hands, which they cannot confide in, yet there muſt be no war waged to prevent a ſuppoſed danger; there muſt be either flying or paſſive obedience.

But if one that is in authority command out of his own will, and not by law, I reſiſt no power, no authority at all, if I neither actively nor paſſively obey; no, I do not reſiſt ſo much as abuſed authority. If you mean by not paſſively obey, take up armes, againſt which (you muſt, if you ſpeak pertinently, and would make an application of this anſwer, to the juſtification of hoſtile reſiſtance in Subjects) you do reſiſt power and authority in this caſe.

For

For though you are not obliged to yeild obedience, either contrary to divine precept, or the known laws of the realm; yet by making uſe of arms, you tranſgreſſe that law, which diſables Subjects to make war without the Princes authority, much more againſt his expreſſe command, to the manifeſt indangering of his royall perſon. He anſwers, *this had been but accidentall* p. 121. and ſo we are told by others, *he might have ſtayed away.* Thoſe damn'd aſſaſſins and bloudy villaines, by whoſe hands the two *Fench Henries* fell, might have made the ſame plea for their execrable murders. If they had not come in their way, which they might have avoided by locking themſelves up, or by ſome other means, they had not been killed by them. But he implies, *a deſire and beſeeching him not to be there, but to withdraw himſelf.* If the King had as full right to be there, as in any other place within his Kingdome, they may with the ſame reaſon juſtifie the Murder of him, if he will not be intreated to keep ſuch company onely as they ſhall allot to him, or to leave his Court, or creep into an Oven.

The Authour extreamly contradicts this duty, before profeſſed in the name of all, of flying or paſſive obedience, and layes down a moſt deſperate concluſion, which diſſolves all government and make Anarchy legall. Upon ſuppoſall that Parliaments (taken in the onely true ſenſe for King, Lords and Commons) ſhould degenerate and grow tyranicall; *I confeſſe* (ſaith he) *the condition of ſuch a State would be very dangerous and like to come to confuſion; particular men could not help themſelves, and the whole State* (mark how he fancies a whole State, when oppoſed to King and Lords, and all the Commons repreſentatively; what can this State be, but ſuch a number of particular men, who, he ſaith, cannot help themſelves?) *ought to ſuffer much before it ſhould help it ſelf by any wayes of reſiſting; but if you can ſuppoſe a Parliament ſo farre to degenerate, as they ſhould all conſpire together* (all in Law are the major part of both

both Houſes with the Royall aſſent) *with the King, to deſtroy the Kingdome* (how unreaſonably he expreſſes a ſuppoſall of being wonne to ſatisfie private Intereſts by making prejudicial laws to the Subject in general, let him tranſlate the ſcene into *Ireland*, and he may think the ſuppoſition very poſſible) *and to poſſeſſe the lands and riches of the Kingdome themſelves* (not all, but in an unequitable proportion) *in this caſe whether a law of nature would not allow of ſtanding up to defend our ſelves, yea, to reaſſume the power given to them* (this is a clear confeſſion, they parted with their power) *to diſcharge them of that power they had, and ſet up ſome other, I leave to the light of nature to judge.*

But you will ſay, This cannot be, becauſe the higher powers muſt not be reſiſted by any. *Object.*

This is not properly to reſiſt the power, but to diſcharge the power, to ſet the power elſewhere. *Anſ.* They daily improve their principles, and now profeſs plainly, what underſtanding men did before collect from their grounds, that it is lawful not onely to depoſe a King, but even the Parliament. He is very apprehenſive, he hath ſpoken out (and it is very ſtrange the Committee ſhould order this doctrine to be publiſhed) *I know*, ſays he, *this will be cryed out of, as of dangerous conſequence, wherefore God deliver us* (as I hope he will) *for ever making uſe of ſuch a principle*, Pag. 133, 134.

They confeſs generally, they are bound to defend the Kings perſon (and if they ſhould ſay otherwiſe, we have their oaths and ſolemn proteſtations againſt their words) witneſs the 23. day of October (which may require an Annual gratitude for the great deliverance both of Church and State in the preſervation of His Majeſty) whether they did according to the information of their own conſciences. All the anſwer I can meet with carries this ſenſe, which I will expreſs in Mr. *Burroughs* his words; *As for the Kings perſon, Is it not*

not the profeſſion of the Parliament to defend it? Pag. 112. and again, *why doth the Doctor ſpeak of ſtretching forth the hand againſt the Lords Annointed? who endeavors it? doth not the Parliament profeſs the defence of the Kings perſon?* Pag. 120. Hence it appears, they know their duty, the queſtion is, whether they performed it, who directed their Canon more eſpecially againſt His ſacred Majeſty; which they cannot eſteem an accidental thing, who are not ignorant of that treacherous advertiſement which *Blague* gave in to the Earl of *Eſſex*, in what part of the battel the *King* and *Prince* were, that they might at one blow cut off our preſent happineſs and future hopes. I deſire only, that their ears would not hang in their eyes, and that men would not believe authority againſt ſenſe. I ſhall onely ſay, moſt miſerable is he, who condemneth himſelf in that thing, which he allows and practiſes.

Exc. *Tyrant is oppoſed to King, and they are incompatible.*

Anſw. If they underſtand *tyrant* under this notion, as an *uſurper*, this is very true, but nothing pertinent, for there is not any juſt ſcruple, but thoſe may be turned out by force according to law, who come in by force againſt Law; as in the caſe of *Athalia*, deſtroyed by *Jehojada*, whereby *Joaſh*, who had true title, was eſtabliſhed in the throne. But if they mean (as they do, if they would conclude for themſelves) a *King* having right to govern, and proving a wicked or weak Prince, it is falſe that this *Tyrannus cum titulo*, the Lords Anointed, though he abuſe that power (for *Chriſma domini*, this *holy oyl* onely excludes uſurpation, and includes a juſt title onely, and not either the Orthodox Religion, or goodneſs, or prudence) is oppoſed ſimply to a King, but to a juſt or wiſe King. As therefore his right to the Crown, is not founded in his divine or moral vertues, but in a lawful ſucceſſion, ſo neither

their can contrary vices diſpenſe with any to depoſe him, lift up their arms againſt him.

This will be evident, if we conſider what kinde of Prince he was, to whom Saint *Paul*, writing to the *Romans*, forbad reſiſtance for conſcience ſake. It was *Nero*, in whom very happily this poſition might be inforced to the height, and yet all their exceptions are determined invalid. Notwithſtanding his Idolatry, his oppreſſing his Subjects by ſtrange cruelties, and perſecuting the Saints.

——— *Quæ diviſa tyrannum*
Efficiunt, coll: cta tenens ———

Yet the Apoſtle commands not to reſiſt even him upon pain of damnation. Our (or rather Saint *Pauls*) adverſaries ſeem to object, *durus hic ſermo*, this is a hard ſaying. The Law of Nature allows ſelf preſervation; the people made *Nero* Emperor by their conſent (for uſurpation can give no right) and therefore are more powerful then he, for *Quicquid efficit tale, eſt magis tale*. The people may be without the Emperor, the Emperor cannot be without the people: It is not probable the ſafety of mankinde ſhould depend upon the luſt of one man, &c. I ſhall anſwer with the Civilian, who teacheth us to obey and not diſpute even humane conſtitutions, *Quod quidem perquàm durum eſt: ſed ita lex ſcripta eſt. L. proſpexit. D. qui & à quib.* It was Gods pleaſure ſo to order humane affairs. Such Chriſtian ſubmiſſion doth moſt commonly produce peace and plenty in our ſtreets, and is the mother of many goods, but if the abuſe of power ſhould bring evils upon us, they cannot be ſo great, ſo general as civil war would create. But ſuppoſe we ſuffer more in a corrupt peace, then amidſt ſuch unnatural diſtractions as this miſerable Country now bleedeth under: yet we ought not to be tempted to impatience, but ſhould rather re-

joyce, that God hath enabled us to ſtand out his fiery tryal; ſuch afflictions if rightly underſtood, are bleſſings; and though we are not bound to pray for them, yet we ought to give thanks. Bad Rulers (if we do not imitate, whom we condemn, and neglect our duty, becauſe they perform not theirs) are but unhappy inſtruments of our greater glory. If we did deeply conſider the fruits of our patience, we ſhould certainly pitty, and perhaps love our oppreſſors, as the unfortunate occaſion of our higher bliſs.

The Chriſtians under *Julian* were very ſenſible of this duty, and confeſs themſelves bound to obey him in all lawful things, and they did accordingly fight his battails; but when a greater then he did interpoſe, *ceſſabat poteſtas minoris*, they choſe to ſerve God in the firſt place, and redeemed their not obedience to him, by offering up their bodies willing ſacrifices. For they wanted no numbers ſufficient, as appears by the Armies electing *Jovianus* a Chriſtian to ſucceed him in the Empire, with this acclamation, *Chriſtiani ſumus!* If reſiſtance were lawful in any caſe, never men could have brought fairer pleas. *Julian* was an Apoſtate from the eſtabliſhed true Religion; he dealt with Sorcerers and Magicians, and profeſſed againſt doing juſtice to the Chriſtians, making ſport with their injuries, and returning no other anſwer to their tears, and humble Petitions but ſuch ſcoffe as theſe; It is part of your Religion to be abuſed: you forget the *Galilæans* precept: Why do you not rather ſuffer wrongs? you muſt forgive all offences againſt you, as you hope to be forgiven; if they ſtrike you on one cheek, you are bound to turn the other alſo; if they take away your cloaks, that gives them a juſt title to your coats alſo, if at leaſt he whom you worſhip have power to diſpoſe of your goods, you are bound from going to Law, and rendring evil for evil: why do you petition againſt, who are bound to pray for your Perſecutors? If they take away

your

your revenues, they advance you into the ſtate of perfection, which requires, you ſhould not poſſeſs any thing. *&c.*

They were more perſecuted by his wit then his cruelty, and yet though he did even wanton in their miſeries, his barbarous uſage could not prevail with them to neglect their calling, but they committed themſelves to him who judgeth righteouſly, and he revenged their cauſeleſs ſufferings in his deſtruction; for as ſtricken from Heaven, he cryed out, *O Galilæan, thou haſt got the better?*

It is as hard a matter to perſwade men to obey, or ſuffer under bad Princes, as it is to make them (the ſame in practice which they are in profeſſion) true Chriſtians. For they are very apt to corrupt the plain Text with falſe gloſſes, as oft as religion runs croſſe to civill intereſts. Their ſtrong deſire it ſhould be falſe ſupplyes the defect of arguments, which could not be able to ſtand againſt manifeſt truth, if affections had not a more powerfull influence upon humane actions, then reaſon. I ſhall therefore labour to prove what they are ſo unwilling to believe, and I will lay down the concluſion in *Calvins* own words, (whom they cannot except to as a *Royaliſt*) *In homine deterrimo, honoré-q; omni indigniſſimo, penes quem modò ſit publica poteſtas præclaram illam & divinam poteſtatem reſidere, quam Deus juſtitiæ ac judicii ſui miniſtris verbo ſuo detulit. Proinde à ſubditis eadem in reverentia & dignatione habendum, quantum ad publicam obedientiam attinet, quâ optimum regem, ſi daretur, habituri eſſent. Let his vices be never ſo many, ſo great, and his merits ſmal or none, yet by reaſon of his office we muſt eſteem his perſon ſacred; God doth ſhed upon him the rayes of Divinity, by conſtituting him his Miniſter: wherefore his Subjects ſhould look upon him with the ſame reverence and aw as they would upon the beſt King.* Inſtit. l. 4. c. 20. Sect. 25.

The Heathens went far, *Voto expetendos bonos principes qualeſcunque tolerandos*; But Chriſtianity goes higher, we may pray for the beſt, but we muſt not onely ſuffer, but yeeld cheatful and hearty obedience to the worſt. If any doubt ariſe, let them conſider the divine providence ſo frequently mentioned in the Scriptures, and his eſpeciall diſpoſing Kingdomes. *The Kings heart is in the hand of the Lord as the rivers of water, he turneth it whether ſoever he will*: Proverb. 21.1. *and* Dan. 2. 21. *He changeth the times and the ſeaſons: He removeth Kings and ſetteth up Kings, &c.* There is a place in *Jeremy* very oppoſite. *I have made the earth, the man and beaſt that are upon the ground by my great power, and by my outſtretched arme, and have given it unto whom it ſeemed meet unto me, and now have I given all theſe lands into the hands of* Nebuchadnezar *the King of* Babylon *my ſervant &c. and the Nation which will not put their neck under the yoak of Babylon, that Nation will I puniſh (ſaith the Lord) with the ſword, and with famine, and with the peſtilence, untill I have conſumed them by his hand. Therefore hearken not ye to your Prophets, nor to your Diviners, nor to your Dreamers, which ſpeak unto you, ſaying, ye ſhall not ſerve the King of* Babylon: *for they prophecy a lye unto you that you ſhould periſh*, cap. 27. He was a fierce Tyrant, and yet obedience was joyned by God, becauſe he had a right to govern them. I have inlarged my ſelf upon that of *Samuel*, *Hoc jus erit Regis*, this ſhall be the right of the King who ſhall reign over you; and it amounted to this, to deſtroy their liberties and property. *Calvin* draws this concluſion from it; *Kings could not do ſo according to right, becauſe the Law was againſt it, which inſtructed them in their duty to govern juſtly; but it was called* jus in populum, *a right over the people, to which they muſt needs be ſubject*; *nor was it lawfull for them to reſiſt*. l. cit. Sect. 26.

It is a frivolous objection (ſaith he) *that this precept concerned only the* Iſraelites; *becauſe the command is generall*

nerall, and obligeth all not to resist him to whom the Kingdome of right appertaineth. The Counsell hence inferred, is very good, let not us therefore break our duty, because Kings performe not theirs. If we live under a bloudy Prince, or covetous, or intemperate, or weak, or one that persecutes the most godly professors, let us call to minde our own sins, which have deserved greater castigations. Let us think it is Gods sword of justice, though man commit murder with it. If we have deserved to dy and the Law passe sentence upon us, we ought not to be impatient, though we be cut off by a wicked executioner.

Many *examples are alleadged out of the old Testament, to colour this breach of duty.* *Exc.*

We have plain precept not to resist, and must conform our actions to known rules, not the practice of others. For instance, *Who can lift up their hands against the Lords Anointed and be guiltlesse?* this imploys a command not to rebell. *Let every soul be subject to the higher powers. He that resists the power, resists the ordinance of God. Submit your selves to every ordinance of man for the Lords sake, whether it be to the King as supream, or unto Governours as unto these who are sent by him. Legibus vivendum est non exemplis:* Examples can onely shew what was done, not what ought to be done. *Answ.*

To answer briefly, the examples by them produced are either *impertinent*, as being acted upon Usurpers; or *not to be drawn into a rule*, because extraordinarily allowed by God, who may dispense with his own law (but this cannot warrant our immitation, no more then the Israelites robbing the Ægyptians can licence *Plundering*, or any other illegall *weakning the wicked*, or *Jacobs lying* to the Father, can excuse want of sincerity and truth, when by false reports, they may probably undoe their brethren; or *Jaels* breaking trust in murdering *Sisera*, can dispence with killing enemies, after compo-

ſition made to ſave their lives) or laſtly they were *unjuſt*. To runn over the particulars, would be more tedious then profitable, becauſe they are all clearly ſolved by applying one of theſe three: They are *impertinent*, or *extraordinary*, or *wicked*.

Secondly, If we ſhould grant that it were lawfull for the Jews to reſiſt Tyrants in their own defence, this comes not home to us, who are *called* as Saint *Peter* ſays, to bear the Croſſe, and to follow Chriſts example. When we are in danger of being killed for our religion, all that is allowed to us, is, only to *fly from one City to another*. We may better ſubmit to ſo high a degree of patience, in conſideration our well being is not provided for in this world, and deſpiſe death, becauſe the joys of eternall life are ſo plainly ſet before us in the Goſpell, whereas under the Law they were entertained with promiſes of temporall bleſſings, and it muſt needs go to their hearts to looſe the propoſed reward of keeping the Law, length of days, by their due obſervance of it, and this upon a ſuſpition of a better life, rather then a confidence grounded upon any plain promiſe.

I have formerly ſhewed the practice of the primitive Chriſtians, which was ſo apparent, that not having ſo much impudence as to deny it; nevertheleſſe they have invented ſeverall exceptions to it, which take of the glory of their innocence. I have beaten them out of their ſtrongeſt fort, which was this, *deerant vires*, *They had a good will to rebell, but wanted power only.*

1 Exc.

2 Exc. *The Chriſtians were but private men, and for that reaſon could not lawfully reſiſt, but if they had been countenanced with the authority of the Senate, queſtionleſſe they would not have ſubmitted themſelves ſo tamely to the ſlaughter.*

Firſt, Theſe men who grant thus much are bound in conſcience to anſwer their own arguments, drawn from the

the law of nature, which they tell us allowes ſelf defence though with the Magiſtrates deſtruction, and taken from the chief topique of their invectives, that no body did contract to be ill governed, much leſſe to be ruined, and therefore no obligation can ly upon them not to preſerve themſelves. But theſe and ſuch like reaſons are evidently confuted by all thoſe Texts which binds us to ſuffer though wrongfully, as we have Chriſt for an example, &c. Thoſe holy men, who ſubmitted their bodies to the flames, look't upon martyrdome, not as a thing of choice, but of duty. They might have pleaded the law of nature, and the injuſtice of their perſecutors, whoſe office was to be a terror to the evill, and to countenance doing that which is good; but ſuch ſophiſtry could not prevail upon religion, which had bound up their hands from revenging themſelves upon private men, and much leſſe upon the Magiſtrate.

Secondly, That the Senate had no authority to wage Warr againſt their Emperour, will be evinced from Rom. 13. 1. and 1 *Pet.* 2. 13, 14. applyed to the civill conſtitutions of the Roman Empire. Submit to the King as ſupream, that is, to the Roman Emperour, ſaith *Diodata, c. all' imperator Romano, deto tal, volta Rè dalle natione ſtranieri. Ulpian* acquaints us, there was not any legall power but in him, *what he determines hath the force of law*, he adds the reaſon, *becauſe the people in whom the Senate are included, by the* lex regia, *gave unto him the right to mannage all their power. ut pote cum lege Regia, quæ de imperio ejus lata eſt, populus ei & in eum*, which ſignifies *in ſe*, ſaith *Theophilus) omne ſuum imperium & poteſtatem conferat. l. quod princ. D. de conſt. princ. Juſtinian* clearly decides the caſe; if the Emperour ſhall take any cauſe in his cognizance, *omnes omnio judices*, let all judges whatſoever know, that this ſentence is law to all effects, not only in the particular cauſe, but it becomes a rule to decide all like caſes by.

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For what is greater, what more Sacred then the imperiall Majeſty? or who is ſo inſolent, *ut regalem ſenſum contemnant?* The ſence even of the Senate was not to ſtand in competition with Royal conſtitutions. *l. ſi imperial. D. de legib.*

We may fitly obſerve, that ſome Emperours did by Acts of grace limit their legiſlative power, which was ſolely in them, and binde themſelves from the uſe of it, without the advice of the Senate, as is to be ſeen, *l. humanum. Cod. legib.* and may be collected from *Auth. Habita quidem. C. ne fili.* and divers other conſtitutions; yet this gave no power to the people, to be imployed againſt them, if they ſhould not performe their duty. This grant made the Roman Emperour like the Kingdome of *England* (for we have a clear and full teſtimony from our Common Law, that the legiſlative power is only in the King, though the uſe of it be reſtrained to the conſent of the Lords and Commons in Parliament, *le Roy fait les leix avec le conſent du Seigneurs & Communs, & non pas les Seigneurs & Communs avec le conſent du Roy.* The King makes Laws with the conſent of the Lords and Commons, and not the Lords and Commons with the conſent of the King) or that which *Virgil* deſcribes.

——*gaudet regno Trojanus Aceſtes,*
Indicitq; forum, & Patribus dat jura vocatis.

It is the moſt unreaſonable thing that ever was fancyed, that Subjects aſſembled, ſhould have greater authority then their King, without whoſe call they could not have met together, and at whoſe pleaſure they are diſolved in Law, and bound to depart to their own homes.

The *Anticavalier* doth pitifully intangle himſelf with this objection, and firſt he tells us, he is confident *Tertullian* did not ſpeak the truth, when he impures their

patience

patience to the power of godlineſſe which prohibited reſiſtance, and not their want of force to withſtand; He might as eaſily have given the ly to *Cyprian* to the Eccleſiaſticall writers, who relate the ſtory of the *Theban Legion*, and acquaint us that the greateſt part of *Julians* army againſt the Perſians conſiſted of Chriſtians. But ſuppoſing as he had good reaſon, this bold denyal would not give ſatisfaction, it not being likely his credit ſhould go farther then the records and evidences of Holy Fathers and Church ſtory, after ſeverall fruitleſſe eſſayes to ſolve it, he pitches at laſt upon this, That honeſt liberty was hid from them for ſome ſpeciall ends, which ſince God hath revealed to this latter age, and therefore he gave to them an extraordinary ſpirit of patience and courage, which is inconvenient for theſe days wherein God hath afforded a more plentifull light, and ſhews us our liberty and that there is no neceſſity of being Martyrs. It is now the wickeds turn to ſuffer. I will ſet down his words at large, for they are ſo ſtrange, ſober men might doubt the faith of a relater.

Certain it is, That the frame and tenor of Gods after diſpenſations did require, that ſuch a liberty ſhould be hid from them; or at leaſt, that they ſhould not make uſe of it; as on the contrary, the nature and purpoſe of thoſe diſpenſations which God hath now in hand, requires that this liberty ſhould be manifeſted, and known unto Chriſtians. We know, that according to the counſel and foreknowledge of God, Antichriſt was then to come into the world: as now we know that he is about to be deſtroyed, and caſt out of the world. Now this is a general rule, look what truths were neceſſary to be ſhut up, and concealed from the Churches of Chriſt, that Antichriſt might paſſe by, and get up into his throne; the diſcovery and letting out of the ſame into the world, are neceſſary for his pulling down, &c. But God cauſing a dead ſleep (as it were) to fall upon thoſe truths, which ſhould in ſpeciall manner have oppoſed

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him, be had the opportunity without much contradiction or noise to steal and convey himself into that cathedram pestilentiæ, *that chair of Papal state, which yet he possesseth. Now amongst many other truths which were of necessity to be laid asleep, for the passing of this beast unto his great power and authority, and for the maintaining and safeguarding of him in the possession hereof, this is one of special consideration; That Christians may lawfully in a lawful way, stand up to defend themselves, in case they be able against any unlawful assaults; by what assailants, or by what pretended authority soever made upon them. For had this opinion been timeously enough, and substantially taught in the Church, it would certainly have caused an abortion in Antichrists birth, and so have disappointed the Devil of his first born. Had not the spirits, and judgements, and consciences of men been as it were cowed and marvailously imbased and kept under (and so prepared for Antichrists lure) by doctrines and tenents, excessively advancing the power of superiors, over inferiors, and binding Iron yokes and heavy burdens upon those that were in subjection, doubtless they would never have bowed down their backs so low, as to let such a beast over them, they would never have resigned up their judgements and consciences into the hands of such a spiritual Tyrant as he. So that you see, there was a special necessity for the letting of Antichrist into the world, yea and for the continuance of him in his throne, that no such opinion as this which we speak of whether truth or untruth, should be taught and believed; I mean, which vindicateth and maintaineth the just rights and liberties, and priviledges of those that live under authority and subjection unto others.*

Whereas, now on the contrary, that time of Gods preordination and purpose, for the downfal of Antichrist, drawing neer, there is a kind of necessity, that those truths which have slept for many years, should now be awakened; and particularly that God should reveal and discover unto his faithful Ministers, and other his servants, the just

bounds

bounds and limits of authority and power, and consequently the just and full extent of the lawful liberties of those that live in subjection. Evident it is that they are the Commonalty of Christians, I mean Christians of ordinary ranke and quality that shall be most active, and have the principal hand in executing the judgements of God upon the whore. Consider that place, Rev. 18. 4, 5, 6. *Now that this service shall be performed unto God by them (Christians I mean of under rank and quality) contrary to the will, desires, or commands of those Kings and Princes under whom they live, it appears by that which immediately follows,* v. 9. pag. 30. 31, 32. The peremptory conclusion of all is, that the lawfulness of Rebellion is now discovered to Gods Church as the necessary means to ruin Antichrist; for the Kings will never be perswaded to effect this great and holy work, and therefore the People must.

Whereas the Text saith expressly, That *the ten Kings shall hate the whore, and shall make her desolate and naked, and shall eat her flesh, and burn her with fire. For God hath put in their hearts to fulfill his will,* Rev. 17. 16, 17. Least the people should be frighted by this (as they justly ought) from making rebellious attempts against *lawful authority*, because *that* in Gods good time he will arm them, and fight joyntly the Lords battail against the Beast, he labors to remove this scruple. *I conceive*, saith he, *this is not meant of the persons of Kings, but of their States and Kingdoms* (id est) *of the generality of the people under them.* Master *Goodwin*, Pag. 32. The King shall hate the Beast, that is, the people shall hate their Kings, and Religiously Rebel against them in order to the destruction of Antichrist.

The same Doctrine is delivered by Master *Burroughs*. *There is a necessity that in these times peoples consciences should be further satisfied in their liberties then formerly, because the time is* (we hope) *at hand for the pulling down*

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of Antichriſt, and we find by Scripture this work at firſt will be by the people, Rev. 18. pag. 144. and for a cloſe, pag. 145. *Surely the right knowledge of theſe liberties God hath given the people, will much help forward the great things God hath to do in this latter age.*

I muſt confeſs, my heart is filled with ſorrow, when I conſider how far the Reformed Religion is degenerated, which can be no longer pure then it continues peaceable. But alas! it is become the mother and nurſe of Rebellion; it foments ſedition; and advances the ruine of States. What a ſad thing is it that factious Preachers ſhould ſo far bewitch the people by ſtrong deluſions, as to prevail with them to neglect plain duties of ſubjection and obedience upon the ſtrength of obſcure prophecies? whereas they ought to live according to precept, not predictions; many of which ſhall not be fulfilled but by the ſins of wicked men: Bleſs me O Lord from being an inſtrument to bring ſuch thy works to paſs. It is our onely ſafe way, not to do evil that good may come of it. The Apoſtle forbids it, and the reaſon may be this, God hath no need of the ſinful man. Why ſhould thou ceaſe to be good, for fear God elſe would not be true? *Babylon* will certainly fall, though we walk uprightly; to fear God and honor the King, are no ſtops to the deſtruction of that man of ſin. After ſuch fiery ſpirits have engaged the Kingdom into probable ways of utter ruine and deſolation; after your hands have been imbrued in the blood of the ancient Nobility, and you have miſerably torn in pieces the brave and honeſt Gentry, and expoſed the ſeduced Commons to thoſe fatal miſchiefs, which accompany the Sword, Peſtilence, and Famine, and the bleeding State ſhall at length grow wiſe, and unite again for the preſervation (if it be poſſible) of the ruinous remainder, rather out of a wearineſs of the inſupportable calamities of war, then out of a Chriſti-

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an love, which would have continued unto us the bleſſings of peace; all the ſatisfaction which theſe falſe Prophets can give, for the unſpeakable miſeries which they have pull'd upon their unhappy Country, will be onely this; *we were miſtaken in thoſe places of* Daniel *and the* Revelation; *The time, it ſeems, is not yet come, The Saints muſt ſtill expect, and Gods holy ones muſt wait and pray for a more happy opportunity to perfect the great work by Rebellion.*

There is a mutual contract between King and Subjects, Exc. *and if He break the Covenant, He forfeits the benefits of this agreement, and He not performing the duty of a King, they are releaſed from the duty of Subjects.*

The Jews could have made this plea, grounded in the nature of a Covenant, the breach of which (though inſtituted by God between King and People, *Deut.* 17.) was no diſpenſation for them to Rebel, as was evidenced formerly. The Kings of *Perſia*, though confeſſedly Supreme, and not reſponſible to their ſubjects, yet took an oath, at their inauguration as *Zenophon* and *Diodorus Siculus* inform us, and it was not lawful for them to alter certain laws, as appears in *Daniel*, nevertheleſs their miſcarriages in government, did not diſpence with their Subjects loyalty. If a Father promiſe any thing to his children, they have a full right to his performance; but in caſe he prove diſhoneſt, he doth not thereby looſe his right to govern them, nor are they excuſed from their duty of honor and obedience: So there is a contract between Husband and Wife, the violation of which on the mans part doth not bereave him of his dominion over the woman. I confeſs, a great obligation lies upon Kings, not onely from their Oaths and promiſes, and agreements, but expreſſely from Gods law alſo, to govern the people committed to their charge, with juſtice and equity. And if they abuſe their power, Gods puniſhment will be as high as their ingratitude. The greateſt temporal favour which *Anſ.*

God

God beſtows upon any ſingle man, is to make him his Vicegerent, his immediate Deputy, *Chriſtum ſuum*, his anointed, and the greateſt bleſſing he hath given to mankinde is government, by which he hath provided for the common good of all. Now if he turne this bleſſing into a curſe; if he who is ſet over a people to puniſh evill doers, perſecute thoſe who do well, he muſt expect a fearfull judgment from the almighty, it is pathetically expreſt in *Wiſdom* ſix. *Heare therefore O ye Kings and underſtand, learn ye that be Judges of the ends of the earth. Give eare you that rule the people, and glory in the multitude of nations. For power is given you of the Lord, and ſoveraignty from the higheſt, who ſhall try your works, and ſearch out your counſels. Becauſe being miniſters of his Kingdomes, you have not judged aright nor kept the Law, nor walked after the counſell of God. Horribly and ſpeedily ſhall be come upon you: for a ſharpe judgment ſhall be to them that are in high places. For mercy will ſoon pardon the meaneſt: but mighty men ſhall be mightily tormented. For he which is Lord over all, ſhall fear no mans perſon: neither ſhall he ſtand in aw of any mans greatneſſe, for he hath made the ſmall and the great, and careth for all alike: but a ſore triall ſhall come upon the mighty.*

Thus much is granted, but to conclude from this obligation that a not performance induces a forfeiture of his crown, and that we may make hoſtile reſiſtance againſt unjuſt commands, is a very weak way of reaſoning. For conſider with your ſelves; is there not a mutuall duty between husband and wife, parents and children? Fathers muſt not provoke their children to wrath but bring them up in the nurture and admonition of the Lord, *Eph.* 6. 4. Husbands ſhould give honour to their wives as unto the weaker veſſels, 1 *Pet.* 3. 7. Suppoſe ſome fathers prove froward, ſome husbands unkinde, yet cannot their faults diſpenſe with the duty of children and wives. The King ——— *urbi pater eſt ubique*

que maritus, is both husband and father, not to ſingle perſons, but to the Common-wealth. There are many reſemblances in matrimony which will afford great light to the better underſtanding the duty of Subjects. The conſent of the woman makes ſuch a man her husband, ſo the conſent of the people is now neceſſary to the making Kings (for conqueſt is but a kinde of raviſhing, which many times prepares the way to a wedding, as the Sabine woman choose rather to be wives, then concubines, & moſt people preferre the condition of Subjects, though under hard laws to that of ſlaves.) If we apply their arguments, their Sophiſtry will clearly appear. For *Quicquid efficit tale, eſt magis tale*, and *conſtituens eſt major conſtituto*, beſtowes upon women the breeches, as well as the Crown upon the people; and *unumquodque eâdem poteſtate diſſolvitur, quâ conſtituitur*, gives the ſame licence to a woman to caſt off the bonds of Wedlock, as to ſubjects thoſe of ſubjection. As in marriage, ſo in Monarchy, there are two parties in the contract; though without a mutual agreement, there could be no covenant, yet after it is once made the diſſent of the inferior party, let it be not upon fancyed, but reall diſcontents, cannot diſolve the compact. Conſent therefore joyned man and wife, King and people; but divine ordinance continues this union; marriages and Governments both are ratified in Heaven. *Quæ Deus conjunxit, homo ne ſeparet* whom God hath joyned let not man put a ſunder; They muſt take their King for better for worſe. It is very obſervable though it was permitted to the man in ſome caſes, to give a bill of divorce, yet this licence was never allowed to women; ſo fathers might abdicate their children, not they their fathers; women cannot unmarry; nor the people unſubject themſelves. If any ſhall miſtake with the diſciplies, if the caſe be ſo, it is good not to marry, it is good to live without a King; they ought to conſider that God is wiſer then they, and beſt knows how to order things for the good of mankinde.

That I may (if it be poſſible) undeceive the miſled multitude; I ſhall grant if a people chooſe one man, and beſtow the name of King upon him, yet if they retain the ſupream power in themſelves, and expreſſe it by making a Law that in caſe he ſhall do ſuch and ſuch things he ſhall forfeit his right to govern, then it is very lawful to depoſe him upon breach of ſuch conditions. For then this ſtate is a Democracy, and the legall power is in the people. Such a caſe is very poſſible, for if the Royal line in any Kingdome ſhould faile, and there want one deſcended from his loyns to ſit upon the throne, then, as a woman after the death of her Husband is free to Marry to whom ſhe will in the Lord, ſo the people may make what government they pleaſe, they may call one King, & place their Ephori or Demarchi and Tribuns over him. It is not materiall that this is not ſo wiſe a government, for it is not Prudence, but ſuch a conſent, not the underſtanding, but the will of the people that conſtitutes the form. In ſuch a ſtate hoſtile reſiſtance againſt him (though called King) may be a juſt warr, becauſe the Law enables them to fight, and the Prince may be a rebell and traytour.

Let them prove that *England* is no Monarchy; that they are not bound to bear true allegiance by a neceſſary obligation flowing from the civill conſtitutions of this Realm; that they may lawfully kill him, whoſe life they have ſworn to defend with their utmoſt power; let them produce any Law which gives power to Engliſh Subjects to train, array muſter without the Kings authority, that I may not ſay againſt his expreſſe command, and to the end they may deſtroy him; when they have done this, and confuted their Oathes of *Supremacy* and *Fealty*, and made it appear to the world they were forſworne, I will ceaſe to preſſe them with that of St. *Paul*, *You muſt needs be ſubject, not only for wrath, but alſo for conſcience.* I will then direct my ſpeech to the King, and endeavour to perſwade him to ſubmit to the People, *under*

der whom he governs. But ſince they do not ſo much as pretend any law, but juſtify their Rebellion only by (that word fatall to this Kingdome) neceſſity, and lay down a principall, fit to diſturbe the peace of all Nations, That when dangers threaten, Laws muſt give place to diſcretion, and the Subjects Birthright, Liberty, and Property, muſt be ſacrificed to a few ambitious mens *ragioni di ſtato*: I think I am bound in charity to admoniſh them in what a deſperate condition they are. *Thoſe who reſiſt, ſhall receive to themſelves damnation.* All that they gain by mannaging the ruine of their Country, will not counteravaile the loſſe of their Souls. I remember the ſaying of the Prophet. *The prudent ſhall keep ſilence in that time, for it is an evill time*, Amos 5. 13. But I value not ſafety, in compariſon of honeſt (though weak) endeavours to do ſervice to the publick.

Some State is thus; elective Kingdomes are ſubjects to forfeiture, but not ſucceſſive. Thoſe men give but ſmal ſatisfaction, becauſ they build upon a very unſound foundation. For ſucceſſion is no inlargement of right, but only a continuance of that which the firſt had; elective Kingdomes are not forfeitable, except there be ſome expreſſe law, which places a power in the people to rule their King, and govern their governour. It is plain, the Roman Emperours, though choſen, were abſolute: and ſucceſſive Kingdomes, if there be any ſuch expreſſe Law are forfeitable; it is as plain, the Sparthan Kings, who were hereditary, might be legally depoſed in ſome caſes.

The unlawfullneſſe of hoſtile reſiſtance againſt the King of *England* is ſupported by a ſurer foundation, *viz.* the known Laws of this Realm ſtrengthned by divine Ordinance: the neceſſity of our allegiance is demonſtrable from the fundamentall Laws of this Kingdome. I ſhall only deſire my Readers to conſider the nature of this government, and they muſt evidently diſcerne, to fight againſt the King is Treaſon and Rebellion.

I will lay down nothing, but what ſober men ſhall

have as little reaſon to doubt of, as to believe, that the King was deſpis'd and ſcorn'd, in order to be made glorious, and that they endeavoured to kill him in order to his preſervation. So at *Edge-hill*; but before they were more cruel and reſerved for him, ſomething worſe then death to live under their command; *Inſtrumentum ſervitutis, haberent Regem*, they would make him the unhappy inſtrument, to raiſe them to honours in the ruine of his good Subjects. The Duke of *Normandy* invaded *England* with a potent Army, and made himſelf King, what our Laws were under the Danes or Saxons (by whom we were likewiſe conquered) doth not much concern us to examine, (no more indeed then it doth to know the ancient *Britiſh* Laws and priviledges, which were taken away by them; and the true owners were beaten out of their rightfull poſſeſſions and inheritances) for he inverted the Government, altered the laws, diſpoſed of poſſeſſions to his *Norman* followers, (whoſe bloud runns in the veins of our moſt Ancient Gentry) and made all, as well *Engliſh* as his native Subjects, feudaries to him, ſo that he remained *Directus Dominus*, *Lord Paramont*, or *overlord* in the whole land; that we may make no ſcruple of this truth, the Laws given us by him, and which we are to live by now, are written in his language. However we ſtate his entrance, whether by the ſword, or to avoid the envy of that title, by a voluntary ſubmiſſion of all to him, as to their Soveraign; the concluſion cannot vary, becauſe the duty of *non-reſiſtance* ariſes from their own act, they taking an Oath to be his true and loyall ſubjects. It is objected, *If he came in by force, he may be turned out by the ſame title.* *De jure* he cannot; in this caſe, *Quod fieri non debuit, factum valet*; for though conqueſt be a name of greater ſtrength only, and be not it ſelf aright, yet it is the mother of it. Becauſe when the people are in their power, for fear of harder uſage, they paſſe their conſent to be his faithfull Subjects, and to be peaceably

bly governed by such Laws, as he shall, or hath given them: This subsequent Act gives him a full right to the Crown. To speak to the present case, he for his own security, and because it was the necessary means to enable him to protect his Subjects, retaines the right to dispose the *Militia* of the Kingdome, which continued in his Successours even to this day (though now violently invaded by Subjects through vertue of an *Ordinance*, of which no times can afford a president) and all Subjects of what condition soever, were bound to do *homage*, and bear *fealty* to him; which was inconsistent with taking up Armes against him. That he might sweeten their subjection, *Quædam jura pactis mixtis*, he restraines his absolute right by compact, and bestowes some liberties and some privileges upon the people, who commonly *nec totam servitutem pati possunt, nec totam libertatem*) and these Acts of Grace he confirmes unto them by such security as should not endanger his person nor regall authority, that is, by promise and oath, and not by giving to his Subjects legall power to un-king him, if he should not performe Covenant; knowing full well, that though he should not really break it, yet a pretence he did so, might upon the first opportunity create a civill war; (and therefore his Subjects had as little reason to accept, as he to offer so pernitious security, as would put both parties in far worse condition) for if rebellion should be allowed in any case, that case would be alwaies pretend, and though the Prince were just, and wise, and religious, yet ambitious men to compasse their own ends, would impute to him oppression, weakneſse, and that notwithstanding his exemplary practise in his publique devotions to the contrary, he did but handsomly dissemble, and favoured a false religion in his heart.

The method of that Religion in the reign of *Henry* the third, which made *France* extreamly miserable, is very observable. A factious party of the Nobility and

Gentry, a seditious party of the Clergy, and an unfortunate party of the seduced Commonalty, entred into a *holy league* against their lawful Soveraign, upon pretence he was misled by evil Counsellors, and favoured the reformed doctrine, notwithstanding he was even superstitiously strict in his devotions, in conformity to what the *Romane* Church enjoyned. When potent Armies were raised, ready to swallow him up, yet out of a vehement desire to undeceive his people, and to discover to the whole world the ungrounded malice of his adversaries in such unreasonable imputations, he refused the honest assistance of faithful Subjects, because Protestants, to his own and their probable destruction.

Many of King *Williams* Successors did inlarge the Subjects Privileges by divers Acts of Grace, which they swore to maintain, but never gave them such security, as should alter the nature of Monarchy, by granting authority to their Subjects to force them to observe promises, and to make satisfaction for *true* or *fancyed* violations.

Hence it appears, that the original was conquest (as it is of almost all the Kingdoms in the world) which occasionally conveyed to him full right, because they yeilded themselves, and consequently what they had to the Victor; the Laws which he or after Princes made for the benefit of the Subject, were several limitations of this right, and therefore where Laws cannot be produced to the contrary, there the Kings power is absolute, and no special cases can be determined by the Subject to the Kings disadvantage. The moderation of his power was by his own compact, which he could not violate without injustice, yet the breach of it could not indanger his personal safety, because he gave no jurisdiction to his Subjects to force him by a strong hand to do them right, and if he had done so, he had made himself in such cases their subject. What ever

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we can claim as due now, is by vertue of the Kings grant; and therefore it is said by *Henry* the third, in his ratification of the great Charter, *we have granted and given to all the free-men of our Realm these liberties.* 9. H. 3. The whole Land was the Conquerors, he gave part of it as a reward for their service to his *Normans*, and other parts to the ancient Inhabitants, and their heirs after them, yet so as he altered the tenure, and made it descend with such burdens, as he pleased to lay upon them: They hold them but in *fee*, and therefore are bound to certain services, and to do such and such duties upon pain of forfeiture; in case of Treason and Rebellion their Lands are his own again, and return into his disposal. If Subjects break their Covenant and prove disloyal, all their rights are forfeited by express Law; if Kings break their compact, no forfeiture follows: The reason of this inequality is, because the King gave Law to the Subject, the Subject did not give Law to him.

Another exception is, *If a King exercising tyranny over his people, may not be resisted, he and his followers may destroy the Kingdom.* *Exc.*

This is easily satisfied, if we consider in what condition we were then conquer'd, and how that to avoid a certain ruine (for he might have rooted us out for his better security, and planted this Land with his native Subjects) we submitted to an only not impossible, that is, a most extreamly improbable destruction. For it is an unheard of madnesse, that a King should be such an enemy to his own interest; It is in our power to Kill our selves, and yet we are not afraid of our selves, because there is a natural dearnesse implanted in us, which secures every one from self-wrong: we have as little cause to be troubled, that it is in his power to make himself no King, by destroying his subjects; The *King* perishes in the ruine of his people, and the *man* only survives *Answ.*

vives, expoſed to the hatred and ſcorne and revenge of mankinde. *Sint quibus imperes*, is a ſtrong antidote againſt this unreaſonable fear. Secondly, no policy can give an abſolute ſecurity; we muſt truſt ſomebody, by which a way lyes open to poſſible miſchief, but many moſt probable and certain inconveniences are thereby avoided. Thirdly, we have good grounds to rely upon divine providence, if we do our duty; for the hearts of Kings are in the hand of the Lord, he will put a hook into the noſtrils of Tyrants, and though we may be chaſtiſed for a tryal of our patience, or puniſhed for our ſinns, yet he will not permit them to bruiſe his children to pieces.

Anſw. *We are bound by the natural affection we owe to our country to be active in reſtoring it to happineſs, by removing ſuch a curſe from the land.*

Exc. We muſt not do evill, that good may come of it. Some reply, this precept obliges private men, not Magiſtrates; eſpecially aiming not at any particular, but the publique good; a pious intention to advance this, excuſes from ſin. Certainly it will concern all ſuch as mean to go to heaven; they may as well tell us, Magiſtrates may lawfully ſteal, or commit a dultery, if they ſin for the Commonwealth, that is, plunder in hopes to finde letters amongſt malignant goods, or ly with other mens wives, to unlock their breaſts; and diſcover ſuch ſecrets, whereby they may more eaſily cut their husbands throats, as being in their Catalogue of evill counſellours or enemies to the ſtate: They may as well challenge a Priviledge to break all the Commandements for the Saints advantage. If then we may not do evill, though we propoſe a reall good as the fruit of ſin, certainly thoſe, whom divine ordinance commands to be ſubject, cannot uſurpe office and rule, and take upon them to judge their Judges. If revenge be unlawfull in private men acted upon private men, how much is it a higher ſinn, upon the Magiſtrate? By whom alone

Chriſtians

Christians can right themselves, and therefore their hands are bound from being used against him.

Self preservation is justifiable by the law of nature. *Exc.*

I grant this, hands were given to men for this purpose. This right to defend our selves flowes from hence, *Answ.* that by an inbred affection every one is most dear to himself, and it doth not alwayes presuppose a fault in those who endanger our lives. For if they set upon me, mistaking me for another man, who hath injur'd them, or if they are lunatique, I am no more bound naturally to give up my self to madnesse or errour, then to the ravenous fury of Wolves or Lyons. It is very truly determined by the civill Law in reference to nature, *Jure hoc evenit, ut quod quisq; ob tutelam corporis sui fecerit, jure feciſſe exiſtimetur. L. ut vim. D. de juſt. & jur.* But this will nothing advantage them in the present case. For by that which they call *Law* of nature is meant only *Right* of nature, which is not a command, but a permission only, and therefore it may be, and indeed it is actually restrained by positive constitutions, whether divine or civill. For example, all thing were common *jure naturali*, by the right of nature, and yet the laws of property are now binding to us. Hence is discovered the holownesse of their discourses upon this principle. *It is the most naturall work in the world for every thing to preserve it self, and therefore when a Commonwealth shall choose a Prince or a State Officer, though they trust him with their welfare, then that act of their trust is but by positive law, and therefore cannot destroy the naturall Law, which is self preservation; cum humane poteſtas ſupra jus naturæ non exiſtit, seeing that no humane power is above the Law of nature.* So *Master* Bridge *in his wounded conscience. p.* 2. Upon the same principle he must conclude, Society, which was regulared by the pactions of men; cannot take away our native liberty,

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For *jure naturali omnes homines ab initio liberi naſcebantur inſtit. de juſt. & ju. t.* 2. Sect. 5. nor can property which was eſtabliſhed by poſitive agreement deſtroy the right of naturall community. He muſt needs perceive the weakneſſe of his reaſoning. The anſwer to it is this, Humane power is not above the Law of nature peremptorily commanding to do ſuch a thing, and abſtaine from ſuch things (of this Law *Cicero* ſpake; *hæc lex diffuſa eſt in omnes, eſt ſempiterna, à quâ homines neq; per Senatum, neque per populum poſſunt ſolui & liberari: l.* 3. *de Rep.* and *Ovid* makes it unalterable.

Naturam vero appello, legem omnipotentis
Supremi q; patris, quam primâ ab origine rerum.
Cunctis impoſuit rebus, juſſit que teneri
Inviolabiliter.)

But humane power is above the *Law* or rather the *Right* of nature, which doth permit a freedome of doing or not doing according to diſcretion. Elſe no contracts could be of force, becauſe by the Law of nature men were free, and the obligation is poſitive, as ariſing from promiſe, which it was in our power not to make, but having once made it, we have tied our hands from uſing native liberty. Of this permiſſive law *Ariſtotle* ſpake *pol.* 7. cap. 13. *Homines adductos ratione multa præter mores & naturam agere, ſi aliter agi melius eſſe ſibi perſuaſerint*; and again *ſome things of nature depend upon our choyſe and ceaſe to be of force, when we pleaſe, to part with our naturall rights, not all things.* παρ ἡμῖν ἐστὶ τὸ μὴ φύσει κινητὸν ἐφ' ὅτοι πᾶν, Ethic. l. 5. cap. 7.

Secondly, It concludes it lawfull for any private man to kill the King, or his own Father, in his own defence, which moſt of that ſide have diſavowed, and therefore

therefore they must acknowledg this argument is very hollow.

For the clearer understanding of the Controversy, because I take no delight in confuting, but only in the hopes of satisfying them; and I request them for their own sakes, to weigh my reasons with the same moderation, and calmeneſſe, wherewith they are written: Self preservation is naturall; that is, Nature doth not forbid any man to defend himself, though he must thereby kill another; his destruction was not primarily intended, but he was forced to make use of such unfortunate means, in pursuance of no dishoneſt end, to retain his own right of living. But though nature doth not forbid it, yet the Gospell doth, as it restraines us of many innocent delights, if we measure them only by naturall right. Private revenge is unanswerably prohibited by the Evangelicall law; Recompence to no man evill for evill; dearly beloved avenge not your selves, but rather give place unto wrath. μὴ ἐαυτοὺς ἐκδικοῦντες, it is not lawfull to right your selves, to do your selves justice, *Rom.* 12. The strongeſt objection against it, which can be made, is, That we are not bound to love our neighbour better then our selves, therefore we may rather kill then be killed. (I speak onely against private revenge, that is, an execution of Justice not commanded by Law, for we may be bound, not to part with our lives, if the Common-wealth Armes us, and injoynes us to defend our selves, because the preservation of the State is concerned in our safety, in that case. *Sevitia eſt velle mori* ——) *Object.*

I deny the argument; the antecedent is very true, but the consequence infirm, because we do not love him above our selves, though we part with our lives, rather then destroy His; For we shall thereby gain eternal life, if we do not contrary to the rules of charity, cut him off in his sin, which will certainly damn him. If *Anſ.*

any

any make scruple, that themselves are sinners too, and so unprepared to dye, and therefore (as good reason they have) they may refuse to be damned, onely to leave their enemy in a possibility of being saved. These fears may easily be solved. Greater charity then this hath no man, then to lay down his life for his enemy, and it were very strange, if men should go to hell with as great charity, as the highest Saints are rewarded with heaven for. Perfect charity is the fulfilling of the Law, and as effectual as universal obedience to Christs precepts, the condition of the Gospel. To resign our lives (that is, the capacity of serving God longer) out of conscience to obey him though against the strongest temptation, is such an heroical act, that the excellency of it may supply the want of duration. It is an infallible sign of hearty repentance, and a most certain argument of our serious turning from all sin. For here is not onely godly sorrow for offences past, which is the door and entrance into Christianity, but the perfection of it also, amendment of life, which is true repentance. For we sacrifice the pleasures and profits of this world, and whatever was dear unto us, while we remained carnal; nay we yeild up life it self against the most violent assault the flesh can make, to the will of God, who assures that to dye thus, is gaine, as also, whosoever will save his life shall loose it, and whosoever will loose his life for my sake, shall finde it. For these reasons private revenge is unlawful, though upon private men, and therefore much more hath Christ disarmed us, from recompencing evil to the Magistrate, because there is some equality between mine and my neighbors life; but publike tranquility, the common peace of a whole Kingdom (which is destroyed by civil war) and the life of a single man, though innocent are very unequal. Naturally we love society below our selves, for the end of it was to convey to us such and such goods, and that which is loved in order to something else, is less amiable: But morally and in Christianity

unity we are bound to prefer the publike good to whatever private Interest. And the obligation is very reasonable; For if we submit nature to religion, and be content to loose our lives for the present, we shall receive them hereafter with great advantage. So that charity to our neighbor, and love of our selves, do sweetly kiss each other.

Exc. *It is lawfull to resist in Gods behalf, and to preserve the true Religion; and to compass the peace of* Jerusalem *by disturbing that of* Babylon.

Answ. Certainly never any man made great improvement of his own Religion by raising Civill War; and Sedition and Rebellion are very unfit means to beget devotion in the hearts of others; this way is so unlikely to attain to perfect godlinesse, that I am much afraid, by the unspeakable scandal of these not-christian courses, it destroyes even common honesty amongst men. Since the time of these unnatural distractions, there hath been a general ebb in our devotion,

Ex illo fluere, & retro sublapsa referre
Res Cæli

Some with *Nadab* and *Abihu* offer strange fire before the Lord, which he commanded them not; God in his good time may quench these flames, which sensibly consume both Church and State; and the unhappy incendiaries may be devoured in that fire; which themselves have kindled. Others are not at leisure to offer up the ordinary incense of prayer and thanksgiving, (though too many have been over gratefull, and when beaten in the field, they have triumph'd in the Church, and instituted solemn praises, for the Almighties preserving their party, in such a sense as they endeavoured to preserve their Soveraign) If any time be spared to make their addresses to Heaven, their usuall voice is as harsh in Gods ears, as the drum and trumpet; for he is generally invoked as the Lord of Hosts, who takes greater delight to be worshipped as the God of peace. Mutual

fears

fears and mutual injuries, have ſo exaſperated the minds of moſt men, that the deſection from charity is much more common then that from allegeance. So that how religion thrives, be you judges; I am certain there is a great decay of godlineſſe.

But to examine this colour of *preſervation of true Religion.*]

Firſt, all the *Anabaptiſts* and *Browniſts* and other Sectaries, who believe us Idolaters, for uſing the ſign of the Croſſe in Baptiſme, and all ſuch as joyn with them in fighting againſt the book of Common-prayer and Epiſcopacy, eſtabliſhed by the fundamentall laws of this Kingdome, are evidently engaged in this Rebellion, not for defence of their old Religion, but to introduce a better and new Creed. Let me aske them, with what face they can hereafter object to Papiſts, that their Religion is Rebellion, who may juſtifie riſing up in armes againſt their lawful Soveraign, for the Catholique cauſe upon theſe Puritan Principles? The truth is, not all Jeſuites do maintain it, and many Papiſts abhor this ſeditious Doctrine, agreeing with *Raſſenſis*, that *ſicut Evangelium non dat regnum, ſic nec auferre poteſt, lib. de poteſt. papæ in temp.* Chriſt came not to diſpoſe of Kingdomes, nor to make them ſubject to forfeiture. The Univerſity of *Paris* hath very Chriſtianly determined it, *ſeditioſum, impium, ac hæreticum, quocunque quæſito colore, à quocunque ſubdito, vaſſallo aut extraneo, ſacris regum ac principum perſonis vim habere*, a ſeditious, imperious, and hereticall thing, for any Subject, Vaſſal, or Forreigner, upon what pretexts or colour ſoever, to offer violence to the ſacred perſons of Kings and Princes, in their cenſure paſt, *June* the 4th. 1610.

A more dangerous tenent for turning States upſide down, and bringing all to confuſion, was never invented then this, that *Regnum fundatur in orthodoxa Religione: Subjects may caſt from off their neck the Royal yoake,*

yoake, if he will not submit to the yoake of Christ. Their late Pamphlets speak out and tell us plainly, the *quarel is, whether Jesus shall be King.* By this means those who mannage *Christs Scepter*, will command the *Kings*, and he must lay down his *Crown* before the *Presbyters.* They have another principle nearely allyed to this, which hath too great influences upon their practice, *Dominium fundatur in gratiâ*, only the Saints, Gods elect, have right to the Creature: wicked men and reprobates but usurpe the portion of the Godly, and thereby increase their own damnation, for they are the true heirs, for our Saviour bestowed all upon them: *The Meek shall inherit the earth.* When we think they Plunder, they do but destrein upon their own goods; it is a recovery of what was due to them by the Gospel; to measure right by the Laws, is but to break *evangelicall priviledges*: It is not theft, but charity to put the wicked in such a condition, as that they shall have lesse to answer for. If men of these opinions be tolerated, both reason and experience shew the peace of the Realm is apparently dangered.

Secondly, As it is unlawfull (and some of their own writers confesse thus much, see Master *Burroughs*, *pag.* 123.) to fight for Religion if the Laws of the Land be against it, (yet this is clearly their case, for they go the destructive way, and would root out part of the established worship, though very much hath been indulged to tender consciences even in this case) so it is against the civill constitutions of this Realm, and consequently against divine ordinance to take up Armes against their King, though he should really favour another Religion, and countenance by his practice superstitious rites; nay, though the professors of the true and setled Religion should be illegally grieved. Here were an opportunity to shew their Christian fortitude, to make use of their *spiritual Militia*, faith, humility, and patience, and not to contradict their calling, and discredit

discredit the Crosse of our Saviour by taking up carnal weapons. I wish from my soul, all such as pretend to the Reformed Protestant Religion; had been unblamable in this respect; and that they had rather chosen to manifest their Christian, then their martial spirit. Wherever arms have been lifted up against their lawful Magistrates, though they were unjustly afflicted for the testimony of a good conscience, I cannot excuse them from resisting the ordinance of God; Who would have been glorified in their martyrdome. I am sorry to meet with objections drawn from the unwarrantable practise of some; which do not conclude you innocent, but that others were likewise faulty. I am certain the primitive Christians were better catechised, and we read the same doctrine of true patience in their lives as in their Schools, which taught them to take up Christs crosse, and to follow him in that yoak in which he drew; They fought not against their Arrian Emperors in defence of the Nicence Creed; no rebellion was undertaken by them under colour of preventing their consciences from being forced: which is indeed an impossible thing; we may be robbed of our goods, we cannot be plundered of our Religion. Did not Christianity thrive upon persecutions? *Sanguis martyrum, semen ecclesiæ*, The blood of the Saints made their surviving brethren fruitful in good works. Their patience wearied the cruelty of their adversaries, and gained innumerable converts, who began to suspect Christianity was true, when they saw it so powerful as to make the professors live with so much innocence, and dye with so great meekness, and to neglect all earthly interests in expectation of Heaven.

Though private men should not, yet *Inferiour Magistrates may force him who hath the Supreame power, to rule according to Justice and the established Laws.*

The

The ſame reaſon which diſables private men from righting themſelves concludes likewiſe againſt inferiour Magiſtrates, that is, want of Juriſdiction. For if oppoſed to him whoſe authority only can alter the nature of revenge, (and make it juſtice, for *Inferior in ſuperiorem non habet imperium*) they are but private perſons. It is an unreaſonable, impoſſible thing, that men ſhould be obliged to obey two Maſters comanding contrary duties, becauſ this would impoſe upon them a neceſſity of ſining which muſt be laid upon him who was the author of that neceſſity; And therfore God hath appointed a convenient ſubordination in all authoritics. *ut ſol delet minora ſidera*, as the leſſer lights are extinguiſht by the greateſt Luminary, the fountain of all light; ſo minor juriſdictions muſt give place to him who is the fountain of juſtice. If God command one thing, the King another, we muſt be obedient to divine ordinance, becauſe we cannot be Subject to mans command for conſcience ſake, againſt him who hath the ſole authority to oblidg conſcience. So if the King command one thing, & his miniſters inferior Magiſtrates another, we muſt ſubmit to regall power either by obeying, or ſuffering, becauſe they can challenge our obedience only by vertue of his authority, and this cannot be ſet up in an hoſtile way againſt his perſon. Whether it be reaſonable to obey the Kings Officers, who can do nothing but in his name againſt the King, judg ye. Souldiers are bound to execute the command of their Captain, yet not if they were contradicted by their Colonel, and he muſt not be obeyed againſt an expreſſe order from the General. In thus doing St. *Auguſtine*, and reaſon alſo aſſure us, we diſpiſe not the power, but chooſe to ſubmit to the higher; leſſer Magiſtrates have no juſt grounds of complaint, if we preferre the ſupream, for in reference to the higheſt, their Magiſtracy ceaſes, and they become our fellow Subjects. *Let every ſoul be ſubject to the higher powers* ſaith Saint *Paul*. We muſt obey the King

and His Officers alſo, as they repreſent the King, for *quod per officiarios facit, per ſe facere videtur)* and they muſt be obedient as well as we, as they repreſent *Subjects.* Thus *Nehemiah* receiving Commiſſion from *Artaxerxes*, Armed his countrey-men againſt thoſe who governed under the King. Saint *Peter* very oppoſitely differences this duty in reſpect of King and Magiſtrates. *Submit your ſelves unto the King as Supream, but unto Governours as unto them, that are ſent by him, and derive their power from him, and are His Miniſters to execute His commands,* 1 *Pet.* 2. *verſ.* 13. 14.

Exc. It is objected, (but very impertinently) *if a King command againſt eſtabliſhed Laws, and inferior Magiſtrates according to the Law, they ought to be obeyed.*

Anſw. This comes not home to the caſe; I grant, obedience to the Kings command againſt Law, is unwarrantable; but this doth not conclude the lawfulneſſe of hoſtile reſiſtance. We do our duty in ſubmitting to His legall will, though againſt his Letters or word of mouth, for he hath oblidged us ſo to do, and by his own grant hath reſtrained his right to recall and abrogate Laws, except by advice and conſent of both Houſes in Parliament. If He be offended without cauſe, we are bound by chriſtian and civill conſtitutions to ſubmit though to His unjuſt wrath. If they mean to conclude their own innocence, they muſt frame their Argument thus: If a King command againſt Law, and Magiſtrates reſiſt according to Law, we may without guilt take part with them. This is true, if they reſiſt according to Law; but this cannot be in a Monarchy; for if the Laws grant a right of reſiſtance in any caſe, when that caſe comes, the Monarchy is diſſolved, for thoſe who are enabled to take up armes againſt Him, are His equalls or colleagues at leaſt; the union is deſtroyed, and they are not to be eſteemed Rebels then, but juſt enemies, becauſe they ceaſe to be Subjects. They cannot vindicate themſelves from Treaſon and Rebellion, except

cept they can produce some Law of *England*, which dispenses with their Alleagiance in such cases, and shew that our civill constitutions are so framed, as to make *Bellum Civile*, *Bellum Civile*, *Bellum utrinque justum*, a Civill War, a *just* War of both sides in the Law notion which cannot be, except there be two supream authorities to Proclaim and mannage it. That this is not so, the Houses shall give testimony against themselves, for they acknowledge themselves in their addresses to His Majesty, His *humble and loyall Subjects assembled in Parliament*,

Another main exception, and which they most triumph in, is this, (I will deliver the words of one of them, who hath expressed it the most fully) *As it is a Parliament, it is the highest Court of Justice in the Kingdome, therefore hath power to send for by force, those that are accused before them, that they may come to their tryall, which (if I mistake not) power inferiour Courts have, much more the highest. 'Tis out of doubt agreed on by all, that the Parliament hath a power to send a Serjeant at Armes to bring up such an one as is accused before them, and if they have power to send one Serjeant at Armes, then twenty, if twenty be accused, and then a hundred, then a thousand, then ten thousand, if ten thousand be accused, and so more or lesse as occasion serves; for there is the same Reason for two as for one, for a hundred as for twenty, for a thousand as for a hundred, and take away this power from the Parliament, and it is no longer a Parliament. But the King, and His Forefathers have by Law setled these Liberties of of Parliament, and therefore according to Laws they have a power to send for by force those that are accused to be tryed before them, which they cannot do, unlesse they raise an Army when the accused are kept from them by an Army.* *Master* Bridge *in his* VVounded conscience, page 6. *Ex.*

First, The House of Commons is no Court of justice, it hath indeed by speciall priviledge for its better regulation, power over it's own members, to impri- *Answ.*

ſon or turne out, and this power though at any time abuſed againſt juſtice and equity, and contrary to the truſt repoſed in them, both by King and people (as if men ſhould be committed for delivering their opinions freely becauſe their reaſon was not ſo happy as to concurr with the ſenſe of the Houſe, which may poſſibly be the paſſions of the major part; or if ſome ſhould be *accuſed* and others *paſt by*, though of known guilt in the very ſame particulars, as having an hand in monopolies,&c. and ſo not the *Cauſe* but the *Perſon*, be made the meaſure of right and wrong) yet this miſuſed authority hath the effect of juſtice & Right, and makes the Act legally vailed. But the Houſe of Commons hath no juriſdiction over thoſe who are without, except at moſt in caſe of breach of Priviledg; it cannot judge or condemn any, no not ſo much as examine upon oath: ſo that the argument is, the Parliament, that is the Houſe of Lords, as the higheſt Court of juſtice, may legally raiſe an Army, without the conſent, nay againſt the command of the King, it concludes too without the conſent, & if they pleaſ againſt the expreſs will of the comons declared to the contraty. This doctrine once, ſince this Parliament ſat, would not have been ſo pleaſing to the lower Houſe, that they would have taken care for Printing it by Order from their Commitee, There was a time when one of this Houſe profeſſed openly, he hoped to ſee that skie fall too and the Lords were put in minde, they ſate but in perſonall capacities (whereas Knights were Shires, and Burgeſſes were Towns and Cities) and therefore it was thought fit to give them warning and to admoniſh them to take heed how they thwarted the repreſentative Kingdome.

Secondly, By the ſame reaſon Judges of inferiour Courts, out of Parliament at leaſt, may raiſe an Army to fetch in delinquents; if the framers of this objection had conſulted with thoſe Sages; they would have better inſtructed them in the laws. In caſes of ſuch high con-

conſequences, it was the cuſtome of the Houſe of Peers to adviſe with theſe Oracles, to take directions from them, at leaſt to know their opinion, and the reaſons of it, becauſe they had employed their whole time and ſtudies to finde out the true meaning of the Laws.

Thirdly, To diſcover their miſtake and the inconſequence of the argument, *There is the ſame reaſon for twenty as for one, and ſo for an hundred, for a thouſand, for an Army &c.*

The reaſon is not the ſame; becauſe when a few are ſent out, the adminiſtration of juſtice doth not indanger the common peace. But becauſe a warr doth put the whole Kingdome in manifeſt perrill of being ruined, therefore when either reall delinquents, or pretended to be ſo, are ſo many, as to make the tryall doubtfull, the liberty and right of inferiour Magiſtrates to fetch them in by force, is in this caſe reſtrained by expreſſe laws, which provides very prudently, that no warr ſhall be made, except authorized by the ſupream governour. And therefore alſo the Laws permit the King to pardon all offences againſt his crown and dignity, ſuppoſing he will do it, as ſomtimes out of goodneſſe of nature, ſo ſometimes out of the ſtrength of his underſtanding, becauſe not mercy onely, but wiſdome and prudence may prevaile with him to forget offenders, when they are ſo potent, that the uncertain puniſhment of nocents, (for the worſt cauſe may prevaile, as in the caſe of the tribe of *Benjamin*, ſo

Victrix cauſa Deis placuit, ſed victa catoni)

muſt be bought with the unavoydable deſtruction of many innocent and gallant perſons. Wherefore Serjeants at Arms and Officers may be ſent by the Houſe of Peers, and conſequently by Judges of inferiour

Courts, and ordinary Justices, to force delinquents to appearance (though their crime ought to be specified, for to call them malignants or delinquents, is no legall charge) if they be not so many, as that they make such resistance, as cannot be punished without an Army; for a civil war endangers all, and begets more faults then it punishes, and therefore the Laws refer the ordering of the Common-wealth to him who is supreme, least inferior Magistrates violently carried on, should out of indiscreet zeal to justice, expose the Kingdom to contributions, plunderings, and thousand remedilesse injuries, more grievous then those they seek to punish.

Exc. *War against the person of the King is not resistance of the higher power, but war against his authority only*, Buchanan right; *Non igitur hic Paulus de iis qui magistratum gerunt, agit, sed de ipso magistratus, h. e. de functione & officio eorum qui aliis præsunt, dial. de jur. reg.*

Answ. This separation of the Officer from the Office (which hath created *bella plusquam civilia*, the King in this Army fighting against himself in the opposite Army) is made without all colour or shadow of reason, for though the authority of the King be sometimes where his person is not, yet his person cannot be where his authority is not, This is evident by the 25. *Edw.* 3. *c.* 2. which makes it Treason to compass the Kings death, by which must be meant to endeavour his personal ruine, because Regal authority never dyes in *England*. I have shewed formerly, that by not resisting powers, is meant, not resisting persons invested with such powers. For when Saint *Paul* hath forbid to resist the power he explains it by adding a reason drawn from the persons in authority, to encourage them to obedience; *for Rulers are not a terror to good works*, and so after, *for they are Gods Ministers*, λειτουργοὶ in the masculine gender, which cannot be applyed to ἐξουσίαι,

σίας, that he might leave no ground of ſcruple, but plainly inſtruct us, that honor is due to their perſons, and that all reſiſtance to their perſons is ſin, becauſe of their authority. Saint *Peter* is as clear, *Submit your ſelves to every Ordinance of man for the Lords ſake, whether it be to the King as Supream, or unto Governors, as unto them that are ſent by him.* *Deodate* expreſſes it very fully in his *Italian* tranſlation, *Siate adunque ſuggetti ad ogni Podeſtà creata dagli huomini per l'amor del ſignore: al Re, come al ſourano, ed a governadori come a perſone mandate da lui.* That we may not miſtake, he tells us, that by Power or Ordinance, is meant *Perſons* endued with power *ad ogni Podeſta*, is, ſays he, in his gloſs upon the place, *a Principi, Magiſtrati, Rettori* created *by* or *amongſt* men *dagli huomini, O fra gli huomini per la conſervatione e condotta della ſocietà humana.*

Jude, when he condemns deſpiſers of dominion, and ſuch as, δόξας βλασφημῶσι, *ſpeak evil of dignities*, verſ. 8. means to commend to us the ſame duty which *Paul* taught us out of the Law, which is free from all ambiguity, and concludes for the perſons. When *Ananias*, the high Prieſt, whoſe duty was to judge after the Law, commanded him to be ſmitten contrary to Law, he (as was ſuppoſed by them) in paſſion returns ill language, and being juſtly rebuked by the by-ſtanders, he confeſſes he ought not to revile the Prieſt, though he did evidently abuſe his authority (muchleſs ought he to ſtrike again) with pretence of honoring his authority, but not being bound to ſubmit to his perſonal commands contrary to the Law. *I wiſt not brethren that be was the high Prieſt; for it is written, thou ſhalt not ſpeak evil of the Ruler of thy people*, Act. 23. 5. Saint *Paul* was unacquainted with this ſubtility, which allows to ſpeak evil; nay, to make hoſtile reſiſtance againſt men in authority, ſo they profeſs to honor the authority of thoſe men. *It is* δύναμις, not ἐξουσία (ſo Maſter *Burroughs*) *his perſonal ſtrength, not*

any legal power which is reſiſted, if he do any thing againſt Law, and this, ſayes he, is not forbidden, we may reſiſt men, though not powers, we muſt not be ſubject to will, but to Law. p. 113.

His miſtake lyes in this, that he thinks ἐξουσία, *power*, ſignifies the right and honeſt uſe of authority, whereas it ſignifies the right to uſe his authority, whether well or ill, 'tis all one to us for matter of ſubmiſſion to it, either by obedience or patience, becauſe no reſiſtance can be lawful for want of a ſuperior juriſdiction, by which onely we can be enabled to call him to account for his actions. The truth of this is made evident in *Joh.* 19. 10, 11. *Pilate* ſaith unto him, knoweſt thou not that ἐξουσίαν ἔχω, I have power to crucifie thee, and ἐξουσίαν ἔχω, I have power to releaſe thee; *Jeſus* grants it, and anſwers, οὐκ εἶχες ἐξουσίαν ἐι μὴ, &c. thou couldeſt have no power at all againſt me, except it were given thee from above.

By ἐξουσίαι, therefore are meant perſons inveſted with authority. The reaſon which made *Paul* call Magiſtrates by the Abſtracts, *Powers* was this, he wrote to Chriſtians living in the *Roman* Empire, and it was the cuſtom of the Latin Language to call perſons endued with power, *poteſtates*, by the name of *powers*. You may obſerve it in *Ulpian, l. quid ſit. de Ædil. edict.* Sect. 19. and in *Auguſtine, epiſt.* 48. who ſaith, *ſive poteſtas veritati favens, aliquem corrigat, laudem habet ex illâ, qui fuerit emendatus: ſive inimica veritati in aliquem ſæviat, laudem habet ex illâ qui fuerit coronatus.* Mark that, *poteſtas inimica veritati*, this muſt needs ſignifie a man abuſing his authority. And in *Juvenal, An Fidenarum, Gabiorumque eſſe poteſtas*, and in *Suetonius, Juriſdictionem de fidei commiſſis quot annis & tantum in urbe delegari magiſtratibus ſolitam, in perpetuum atque etiam per provincias poteſtatibus delegavit.* The modern languages, Italian and *French*, which were bred out of the Latine, retain the ancient uſe of ſpeaking, for

poteſtas

poteſtas in *French* and *podeſta* in *Italian*, expreſs not the function onely, but the perſon which manages it. Thus anciently the Latine word for a Juſtice of peace, who now is called *juſtitiarius*, was *juſtitia*, as you may find in *Glanv. lib.* 2. *c.* 6. and *Roger Hovedens* Annals: ſo our King is called in the abract Majeſty, as the Grecians Emperiors, ἁγία βασιλεία.

Many ridiculous conſequences flow from hence, but I liſt not to make ſport with that unhappy diſtinction which hath almoſt ruined as flouriſhing and ſtrongly tempered a Kingdom as any in the Chriſtian world. It expoſes Magiſtrates, and all in authority to the contempt and injuries of the baſer ſort of people. For when diſcontented, it is very obvious for them to tell them a reverence is indeed due to their function, and therefore that they ſetting their *office* aſide, will take liberty onely to kick their *perſons*, and that the *Magiſtrate* is not at all affronted, though the *man* be ſoundly beaten. It is againſt common ſenſe to put ſuch a difference between the *perſon* and the *authority* of the King, for if it were real, neither God, nor the Laws of the Land have made any proviſion for the Kings ſafety; for his authority is not capable of receiving any benefit, and therefore it muſt be acknowledged by all ſober and reaſonable men, that His authority doth but convey ſuch and ſuch priviledges upon the perſons, who onely can be ſenſible of them, and conſequently whatſoever is attempted againſt his perſon, is attempted againſt his authority likewiſe.

Another cavil is taken from theſe words in *Rom.* 13. *Exc.* *For Rulers are not a terror to good works, but to the evil; wilt thou then not be afraid of the power, do that which is good, and thou ſhalt have praiſe of the ſame. For he is the miniſter of God to thee for good.* Their argument is framed thus: A Magiſtrate is the Miniſter of God for our good, therefore he which is not a Miniſter for our good, is no Magiſtrate, and to reſiſt him, is not to reſiſt

ſiſt the Ordinance of God, (which inſtituted Rulers for the peoples happineſſe) but the faults and exorbitances of men, which endeavour to rob them of the bleſſings of divine providence, orderly government, and to make them bow down under the heavy burden, of an arbitary ſway. Their concluſion (contradictory in it ſelf) is plainly this: A bad Magiſtrate is no magiſtrate, (as being a terrour to good works, and giving praiſe to the evill, contrary to Saint *Paul's* definition of Rulers,) and therefore no honour is due to him, no reſiſtance is forbidden.

Anſw. The Example of Chriſt commanding them to pay Tribute to *Cæſar*, as his due, the end of which was, that he ſhould minde their goods, though he neglected that duty, and his acknowledgment of *Pilates* power or right to judge, though he exerciſed it to the condemnation of the innocent, and Saint *Pauls* confeſſion, that notwithſtanding the high Prieſt commanded him to be ſmitten illegally (which in their language was abuſe of will, not power) yet he muſt not return ill language, becauſe he was the Ruler, do clearly evince their argument not concluding. *Saul* was a bloody Tyrant, he made the Prieſts a ſacrifice to his cruelty, yet notwithſtanding he continued *Gods anointed.* It were eaſy to inſtance in many examples, which ſhew the vices of man, making ill uſe of the power, do not voyd the ordinance of God.

There are, who anſwer theſe places very piouſly, but, as I think, not altogether to what Saint *Paul* aimed at, Rulers are not a terrour to good works, and he is the Miniſter of God to thee for good, that is, though they oppreſſe, nay kill innocent men, yet they cannot hurt them; For God will recompence their ſufferings, it is *in bonum afflictis*, though *affligentibus in malum*, becauſe all things work together for good to them that love (that is, are obedient to) God, *Rom.* 8.

It

It ſeems to me more probable, that the ſcope of the Apoſtle was to inforce the duty of ſubjection, preſſed in *verſ.* 1. by a ſecond reaſon (for he had urged before, the ordinance of God) drawn from the benefits which will be reaped from Governours. And the motive is, the conſideration of that happineſſe, which we have reaſon to promiſe our ſelves from the preſervation of order, the end of which is publick tranquility. This is enjoyed under very bad Princes, which will abundantly recompence ſome particular ſufferings, whereas if we ſhould go about to right our ſelves, when power is abuſed (to ſay nothing, that it would alwayes be pretended to be ſo by ambitious men, who have this advantage, that the common people have but weak judgments in State matters and yet appeales are eſpecially directed to them, and ſince our miſeries have growne upon us the contrivance of our calamity was very viſible; the fatall arts which rüined this Kingdome were to make the meaner ſort of men Judges of Policy, and women generally the Judges of Religion) and they are eaſily perſwaded to reckon misfortunes amongſt crimes, and to confound ill intentions with ill ſucceſſe). If I ſay we ſhould take upon us to govern our Governours, becauſe they rule not for our advantage, we ſhould pull upon our heads much greater miſchiefs. Experience ſhews, that Kingdomes ſuffer infinitely more by civill Warr, then by the moſt Tyranicall Princes: If we call to minde the moſt vicious King that ever raigned in *England*, we ſhall finde, though he did injure ſome particulars, indulging to ſome inordinate affections againſt the tenor of Law, yet juſtice was favoured in the generall, and the greateſt part of the Kingdome reaped the fruit of Order. Whereas illegall indeavours to force him to amendment, introduce a ceſſation of all Law and Juſtice, and the Subjects will be plundred more in one night, then the greateſt monopolies & moſt unjuſtifiable taxs of many years robb'd

robb'd them of. The Apoſtles ſenſe is expreſſed fully by *Tacitus*, *Ferenda Regum ingenia, nèque uſui eſſe crebras mutationes.* The reaſon why it is better for a people, though oppreſſed, to ſubmit with patience even to a Tyrant, is this; if he be put to recover his own by conqueſt, and prevaile, he may be tempted (as highly provoked) to rule them with a rod of Iron, and to provide for future ſafety, by utter diſabling them to hurt him: but if they get the better, their victory doth but confirme our calamity; we cannot ſee any probable end of our unhappy deſtractions. Becauſe forraign Princes will clearly afford ſupplyes for recovering his juſt rights (for it might ſuddenly be their own caſe, and they are bound to it in State intereſt, that they ſend not aid ſooner, is, becauſe it is for their advantage to have a neighbour Kingdome weakned, but not the Prince ruin'd) and it is very unlikely he ſhould ever want a very conſiderable party at home, many out of conſcience, more our of diſcontent and envy towards their fellow Subjects, proſperous treaſon, endeavouring to reſtore their injur'd Soveraign, to his undoubted Rights and Prerogative. So that *England* would be the unhappy ſcene, where the tragedies of *Germany* would be reacted. But grant a totall extirpation, & that they ſhall be able to go through with their wicked deſigne, and not onely *branch*, but even root Monarchy alſo, for this is aimed at by ſome, who fear it may ſprout again, if the ſtock be left) have we yet at laſt any hopes of peace, when we are ſo undone by War, that we have nothing left to looſe but our lives? Truly no, then like theeves, when once ſecure their booty, we ſhould have a thouſand differences in dividing the Prey, all of them challenging preferments great as their ſinns, and ſetting ſuch a price upon their wickedneſſe, as the eſtates of all honeſt men will not be able to pay; it is not poſſible, what they have gotten can be pleaſant to them, when they conſider much more might be enjoyed, and ſadly recollect the inequality of the

the recompence to the adventure; for their lives were expoſed to the danger of the law, their reputation is loſt with all good men, and their ſoules are eternally ruin'd. They would fall out amongſt themſelves, who was the greateſt Traytor, and never yeeld precedency in miſchiefs, becauſe that is the meaſure of Sharing. Some would plead, they *contrived*, others, they *acted* the Treaſon, and think a ſubtile brain ſhould have no priviledge above a couragious heart, it being more eaſie to fright the people by inventing falſe dangers, then to lead them on, and make them ſtand the brunt of true. It is beyond my skill to proportion the wages of ſin, and determine, whether the *ſlye* and cunning *ſetter*, or the *ſtout thief* can claim greateſt ſhare in the ſpoile. But commonly the ſpeculatively malicious men are miſerably deceived of their expected requital. For though they ſet the miſchiefes on foot, yet their journey-men, quickly apprehending the myſtery, are eaſily tempted to ſet up for themſelves. It hath been often ſeen, that to end ſuch quarrels, he that was head of the conſpiracy in reference to the active part of it, and who had force enough to oppreſſe a Tyrant, would uſe the ſame to eſtabliſh himſelf their Lord and Maſter, and his government was ſo much the more rigid, ſevere, and miſerable, becauſe he was frighted with his own example upon his predeceſſor.

This I conceive to be the Apoſtles ſenſe, that we muſt ſubmit even to bad Governours (ſuch they were when he wrote this Epiſtle) not onely out of honeſty, but prudence alſo, becauſe if we go about to make them better, we ſhall put the Kingdome, and conſequently our ſelves, in far worſe condition.

After this explanation, I will reduce their Argument into form, that I may thereby give more diſtinct ſatisfaction.

Not

Non resistance is forbidden onely to the powers ordained of God;

But powers used tyrannically are not ordained of God, therefore we are not forbidden to resist them.

The assumption is absolutely false: For though tyranny be not the ordinance of God, yet the power (which is commanded to rule justly, but withall inabled to do otherwise, for the use is left indifferent in respect not of the Magistrates, but Subjects duty, so that abuse doth not void authority, when swerving from Laws) is of divine constitution. The obligation not to resist superiour powers receives not strength from mans justice, nor is it weakned or made null by injustice. *Saul* was Gods anointed, and *Pilate* had authority from Heaven, notwithstanding the extream abuse of it. Had the Apostle meant as they endeavour to perswade the world, considering what Governours the Christians then lived under, he had laid down a doctrine of Rebellion, whereas he labours to teach them patience.

Thus much in answer to their objections, against what was delivered in the second Section; I shall now examine their exceptions against what was assumed in the precedent Section,

The King of England *hath Supream Power.*

Exc. *There is a mixture or coordination in the supremacy, and the English Monarchy is compounded of three coordinate estates.*

Answ. I have shewed before, that a *mixt Monarchy* is a contradiction, and that by this name can onely be meant, a restrained and limited Monarchy, that is, that such a King, though he have supream, yet hath not absolute power. By reason of this restraint from his own grant

and

and positive constitutions, active obedience is not due to his illegal commands, and by reason of his supreme power and sole right to make War and Peace, passive obedience is necessary.

Monarchy compounded of three co-ordinate Estates, in plain English, speaks this non-sense, the power which one onely hath, is in three joyntly and equally.

The ground of this invention, and so much fancyed co-ordination, which our ancient Lawyers never dreamt of, may be this. If they mean by it, that the consent of all three Estates (I will not alter the new manner of expressing this government, but onely take notice by the way, that heretofore, that Parliament was taken for an Assembly of the King and the three Estates, and that in all other Kingdoms likewise there are three States, the Clergy, the Nobility, and the Commonalty, distinct from the Head) are equally required for transacting such businesses as the King hath obliged himself not to do without them, and that they have the right of a negative voice, we shall indulge to them the name of *co-ordination* to two purposes, which are, making new, repealing old Laws, and supplying the Kings necessities, in such proportion as they shall think fitting. These are great democratical advantages, but include no authority of making hostile resistance against their soveraign, in case he should do contrary to the established Laws. These are still in force, till abrogated by joynt consent, and bind his conscience, but he cannot be forced to put them in execution, because he hath no superior in jurisdiction; and he hath no equal in managing *jus glandii*, the material sword, which is necessary to distinguish their resistance from Rebellion, and give it the title of a just war. For except they can prove themselves not to be his Subjects, I am forced to tell them, if they fight against him they are by the Law of Nations and of this Land worthily re-

reputed Rebels, and by divine Law they are aſſured of damnation.

Thus therefore; the two Houſes, or two Eſtates of Lords and Commons, are not bound to ſubmit their conſent to the Kings command in matter of Subſidy, or taking away ancient Law, if they conceive it diſadvantageous to the Commonwealth; *Par in parem non habet imperium*, in thoſe things in which they are equal as a father and a ſon being joyned in commiſſion; in this ſenſe let them be called co-ordinate. Yet they are ſubject in all other things, and therefore may not take up arms without his conſent, for this is deſtructive of their Alleagiance.

If there be a *co-ordination* in the ſupremacy, that is, if the King and Lords and Commons are joyntly the ſupream governor, the *correlatum* is wanting, none are left over whom they ſhould Reign, we ſhould have a Kingdom without a Subject, becauſe all may challenge a ſhare in ſoveraignty.

The Parliament not ſitting, they will not deny the ſupremacy to be ſolely in the King, and certainly by calling His great Councel together, he doth not empty himſelf of any regal power; it were very ſtrange our Laws ſhould be guilty of ſuch vanity to make a uſeleſs co-ordination, for if His rivals ſhould make any attempts upon His Prerogatives, He can legally diſſolve them (except when he hath paſt a particular grant for their continuance, and then the enlargement of their time of ſitting, doth not enlarge their power) and after he hath diſmiſt the Aſſembly (as the right to do ſo is unqueſtionable) then He is Supream again, none being left to ſtand in competition. The clear buſineſs is this, all marks of ſupremacy are in the King, nor is it any Argument of communicating His power, that He reſtrains Himſelf from exerciſing ſome particular acts without conſent of Parliament, for it is by vertue of His own grant, that ſuch after acts ſhall

not

not be valid. He hath not divided His legiſlative faculty; but tyed Himſelf from uſing it, except by the advice and conſent of the Peers, and at the requeſt of the Commons, their rogation muſt proceed His ratification. I ſhewed this in the *Roman* Empire likewiſe, and yet none fancyed an equality between Subjects and the King or Emperor was thereby introduced.

As the *Bouteſeus* of *France* argued from the denomination of *Pares Franciæ*, to make them equal with the King, ſo our Incendaries from *Peers* and *Committees*, to bring in a *co-ordination*, whereas it is evident, that Peers refers not to the King, but ſignifies (as the *Perſian* ὁμότιμοι mentioned in *Zenophon*) Subjects in the ſame rank of honor, and enjoying equal priviledges, one as another. And to make *Committees* is called by *Lampridius in contubernium imperatoriæ majeſtatis aſciſcere*, our lawyers derive them from having that ſpecial honor to be *in comitatu regis*: *Suetonius* calls them *comites peregrinationum, expeditionumque Tiberii*, They were of three ranks under the Emperors, *Comites intra conſiſtorium* were the higheſt, and in the nature of privy Councellors, but created by the Emperor, the fountain of all honor, and ſo not *ſimiles altiſſimo*, equal to him, though exalted above fellow Subjects.

The brief is, the frame of Government, as it is eſtabliſhed by our laws, clearly condemns their undertakings, and therefore they have laid ſuch a foundation, as will ſupport the building. For if they can but prove that Parliament men, and thoſe who are ſtirred up to fight againſt their Soveraign, are not the Kings Subjects, they have acquitted them from being Rebells.

We have ſeen the ground work, and ſhall now take the ſuperſtructure into due conſideration; the whole fabrick is compriſed in that Axiome ſo frequently applied to juſtifie all illegal proceedings; *Co-ordinata ſe invicem ſupplent*, *Co-ordinates ought mutually to ſupply each*

others failings, that we may not ſuffer whether by neceſſary or voluntary defects, and that the Kingdom may not run the hazard of being ruined for want of ſupplemental Laws, and therefore when the King is perverſe and will not joyn with them for the common good they have full authority without him.

This would conclude as ſtrongly for the power of enacting law without the King, which the Houſes have diſclaimed. It is true, this legiſlative authority is exerciſed under another name, let the Authors anſwer for practiſing what themſelves have expreſly diſallowed. For it is but ſmall ſatisfaction to the injured Subject, to tell them they challenge not a power to make ſtanding Laws, but onely temporary Ordinances: That is, they will take away their eſtates for the preſent, and then their votes ſhall be no longer binding; was not this the reaſon why ſuch Proclamations are juſtly accompted grievances, as do intrench upon the Subjects liberties or property? The ſubjects are equally miſerable, whither their birthright, the Laws of this Land, are overthrown by Royal Proclamations or Ordinances of one or both Houſes.

Co-ordinata ſe invicem ſupplent, Coordinates ſupply each others failings; therefore if one refuſe, the other two are enabled to do it without him.

By the ſame Logick, if the King and Houſe of Lords joyn, the conſent of the Houſe of Commons is legally ſupplied, and they may conſtitute what they pleaſe without them. This is the evident doctrine of it, which yet is commanded by the Houſe to be printed. If the King had ſaid this, it had been the greateſt breach of Parliamentary priviledges that ever had been made. Poſterity will have no reaſon to be thankful to them for diſputing themſelves out of the right of a negative voice, onely that they may with ſome ſmall colour (making uſe of an accidental advantage, the major part of thoſe few Lords, which remain in the Houſe now, joyning with them) take away from the King (what

(what is as much his by law as the crown he wears) *his* right to reject any Bill never queſtioned by our Anceſtors, and it is very ſtrange it ſhould now; Sir *Thomas Smith* tels us, *Quibus princeps derogatum vult, haud pluribus verbis utitur, quam le Roy aut la Roynes' adviſera; quæ propterea extincta penitus, abolitaque cenſentur. l. 2. c. 3. deſcript. Aug.* If the Kings denial did not extinguiſh them, all thoſe bills, which have ſlept for many ages, as laid down by our knowing forefathers out of a neceſſary modeſty and a juſt valuation of their Soveraigns right, would riſe up laws to the extream confuſion of the preſent government. And ſecondly, if his authority muſt be involved or ſwallowed up in their votes, if his part in Parliament be the ſame with the flatterers in the Commedy, *Ais, aio, negas, nego*; if he be but a *State eccho*; it is manifeſt he hath not ſo great a hand in the managery of his Kingdom, as the meaneſt fellow, who hath but fourty ſhillings *per annum* freehold; for he governs by proxy, whereas the King is repreſented by none, and yet muſt not ſpeak for himſelf and for his own Intereſt, which is altogether the ſame with the publike. The greateſt ſecurity the Subject hath, that equal Laws ſhall be preſerved, is from his negative voice. The intereſts of the major part in the Houſe of Commons may be oppoſite to the good of the Kingdom in general. For if we reckon thoſe many that ſerve for, and are (or would be, in future elections, if the power were thus enabled to effect whatever advantageous deſigns) of Corporations, and thoſe few in comparison, who ſerve for Shires, we ſhall eaſily believe, the priviledges of Cities and Towns, may be inlarged by them to the great diſcouragement and loſs of the honeſt farmer and painful husbandman; So the Burgeſſes for the Weſt are ſo many, that upon an unanimous conſpiracy amongſt themſelves, and laboring ſome ſingle perſons, who may be eaſily won out of relation of acquaintance, friends, or kinſmen, or their

inadvertency, and not fully weighing, or not underſtanding the conſequences of it, they may eaſily carry by vote what is very Beneficial to themſelves, though extreamly prejudicial to the other parts of this Kingdom.

To go higher, it is very eaſie to conceive, that the major part of the lower Houſe, may be very mean men, choſen to make more profitable Laws for the poorer ſort, and to keep the Gentry under by laying Subſidies and all burdens of the Commonwealth upon them, not without a ſpecious pretence, that they ſpend more in ſuperfluities then would diſcharge all publike expences, and exempting themſelves from all payments, as being ſuch, who take great pains, and work very hard, even for neceſſaries. The poſſibility of ſuch a choiſe is apparent, becauſe (conſidering how ſmall means are required to a capacity of voting in the election of Parliament-men) it may perhaps be more warily ordered hereafter by the wiſdom of that great Court, who may think it fit to raiſe fourty ſhillings *per annum* freehold to ſuch a proportion as that eſtate was valuable at, in the firſt conſtitution, when the ſcarcity of money made it a competent fortune) the greater part of thoſe which choſe them are poor Countrimen, and beggarly tradeſmen. Such a choiſe then is very poſſible, neither is it improbable, if Parliaments ſhall be governed by theſe new principles. For the reaſon why ſuch an election was never yet made, is this; ſuch a power was never heretofore challenged, as could enable them to go through with any ſuch deſign. If either the Lords perceived any motion from the Commons, diſadvantageous to themſelves, or the King thought it prejudicial to the publike, and ſo neceſſarily unprofitable for him (as if the Merchant ſhould be diſcouraged, by laying too great burdens upon Foraign trade, or the Clergy impoveriſhed, by taking away thoſe means which ſhould make men able, and keep them

them honeſt) it was preſently rejected, and ſo not to be ſtickled in further, ſitting that Parliament. If ſome factious ſpirits wrought upon their diſcontents, and perſwaded them to paſs nothing, whether by granting Subſidies, or conſenting to new Laws, which might be beneficial for the preſent State, till they received ſatisfaction in their deſires, though ſuch a perverſneſs (which I ſuppoſe onely, and do not ſay it ever was) might be very unhappy for the Kingdom (for by making the King poor, it would probably put his friends upon ſome unwarrantable courſes, whereby to ſupply his wants, and this would creat a miſunderſtanding between him and his people, and breed ill humors, which fomented by crafty men, would break out in ſuch violent diſtempers that there would be a neceſſity of calling Phyſicians; Theſe politick Phyſicians, when once entertained in ſuch an extremity, will be ſure ſo to manage the diſeaſe, that they will be paid as much as they pleaſe to demand. They will deſire ſuch offices, ſuch commands not for themſelves, but onely in order to the recovery of their patients; The denial of which ſhall put the people in danger of a relapſe, and they will preſcribe the ways of prevention and make uſe of impatience of diſtempered men to compaſs their own ends) though I ſay, ſuch a ſullenneſs would make the Kingdom miſerable, yet it is their right to deny the moſt reaſonable propoſal, and there is not any legal remedy againſt inconveniences, which will certainly flow from hence. Neither neceſſity nor *propterea quod regnum noſtrum periclitatur*, which is the ſame with *ſalus populi ſuprema lex*, can enable the King juſtly to provide for the Kingdoms ſafety, by raiſing money againſt the known Laws: He may in this caſe diſſolve the aſſembly, and onely uſe ſuch means as are not contrary to Law; By reaſon of theſe negative voices, and the Kings right, as to call together, ſo to break up that great Councel, there was not any hope of new mould-

ing this State to particular Intereſſes, and therefore theſe unequall compoſitions of the Houſe of Commons had no influence to the diſadvantage of the Common wealth. Yet now we may probably ſuffer under them, if this new doctrine take place, That the Kings conſent is paſt, and involved in the Lords and Commons; for the next rub of the Lords negative is removeable by the ſame Logick of *coordinata ſe ſupplent*, and that the people may not periſh for defect of a ſupplementall Law; it was eſſayed formerly, that they ſitting in perſonall capacities, ſhould not oppoſe what conduced to the ſafety of the Kingdom repreſented by the Commons, and thoſe two grounds being laid, as the Kings and Lords are voted out of Parliament, ſo it is very probable, the Gentry would be but very thin in the Houſe of Commons, upon new elections hereafter, becauſe the diſpoſall of all would be put into their hands, whoſe intereſts are moſt diſjoyned from the publique tranquillity, as enjoying leaſt by the preſent eſtabliſhment in this State. From hence it is apparent, what confuſion were likely to follow; and the ſhort experience we have had, hath already too fully acquainted us with the miſerable conſequences.

To anſwer diſtinctly to their axiome; Coordinates ſupply each others failings; it ſhould be underſtood in that ſenſe, which they plead for, that the King failing to perform his duty, the Lords and Commons are enabled to tranſact buſineſſe without him; by vertue of this rule, upon the very ſame grounds the King and Houſe of Commons may exclude the Lords, the King and Lords may exclude the Commons; but this being deſtructive of the fundamentall priviledg and right of either Houſe, this only can be meant by it in the preſent caſe, that the power of any one or two of them, is defective to ſome purpoſes expreſſely named in our laws (as for enacting new laws, or raiſing money upon the Subject) without a joynt conſent of all three. This interpretation is very reaſonable, but it concludes againſt them, and for the

King;

King; for he requires nothing, but (what our Laws grant him, and what he alwayes acknowledged equally their due) a right to a negative voice, in those things to which the three estates are coordinate. The use of it cannot be injurious; for deniall to bring in a new Government, doth not take away the old; it leaves us in that happinesse, which our Fathers were content with.

All other matters (wherein the exercise of His supream power is not restrained, by making their consent a necessary condition, without which it cannot be actuated) he may mannage solely; as for instance, he may and ought to protect His Subjects, and to make use of those means with which the law hath invested him to enable him to compasse that end, and these are the *Militia* or armes of the Kingdome.

The King though he be singulis major, yet he is universis minor. I am forced to take notice in the first place of that lamentable sophistry which yet hath deceived many; and though it hath been often discoursed, they still persist to abuse the people with it. The strength of all their discourses depends upon this syllogisme; the Parliament is greater then the King; The assumption is built upon a false foundation, The two Houses are the Parliament. *Ergo*, the two Houses are greater then the King. *Exc.*

The proposition is granted, because Parliament includes King and Lords and Commons; and his legislative power, as to the use of it, is so restrained, that it cannot legally be exercised without their consent; and this obtained in Parliament, it becomes absolute to those purposes, to which they passe their assent, 25. *H.* 8. 21. So that the onely meaning is, he can do more in Parliament, then out of it. *Answ.*

But the minor is absolutely false; For the King is *caput Parliamenti*, and so an essentiall part of Parliament. I am ashamed to bring quotations out of the Lawyers, to prove what is so manifestly true. For if the King were not a necessary part of the Parliament, and the Parlia-

ment (as it is being rightly underſtoood for the head and body) were the whole Realme, then we ſhould have a Kingdome without any king.

Obj. One objection is frequently urged; *There muſt be a Parliament ſomewhere; for it cannot be diſſolved without their conſent, which is not yet paſt, but it is not at* Oxford, *nor no other place,* London *excepted; therefore it is there, and conſequently the Houſes are the Parliament without the King, or elſe His authority is in their votes.*

Anſw. The want of Logique hath proved as fatal to this Kingdome, as the want of conſcience; I cannot determine which hath had the ſtrongeſt influence in our calamities; the malice of ſome, or the ignorance of others. Suppoſe the Lords ſhould remove their Houſe out of the City (as they have an undoubted right ſo to doe, upon the agreement of the major part; and there might be ſome motives for it: for to ſay nothing elſe, their number would be more then doubled) where would theſe men place the Parliament? If the King and Lords ſhould legally ſit in *Oxford*, were the Houſe of Commons thereby excluded from being a part, or could they be concluded the whole Parliament? It is not an union in reſpect of place, but an union of their aſſent and the Royal ratification, which actuates the power into law. The Kings abſence doth not deſtroy the being of Parliament (no more then if he ſhould diſſent being preſent) nor doth it forfeit his power into their diſpoſall, as you may ſee 33. *H.* 8. c. 21. *His aſſent by his letters patent is and ever was of as good ſtrength and force, as though the Kings perſon had been there perſonally preſent, and had aſſented openly and publickly to the ſame.*

But what if he diſſent from them and refuſe to confirme their votes? Then they ought not to have the force of Laws, no more then if the King and Lords ſhould agree on any thing, the Commons contradicting it; neither is a legall eſtabliſhment. If they ſay, his obſtinate refuſall voids the Parliament, for it is made of no uſe, if

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it may not be active, when deserted by him, and except he please to establish their ordinances? The King might as well presse the Commons to consent to what he and the Lords shall think fitting, because otherwise they void the Parliament; for it is of no use, if it may not be active without their assent which they resolve not to passe.

This constitution of the negative voice in either of the three estates, was made in favour of the present government, the goods of which were known by experience, that no innovation (the evills of which are hardly discovered before tryall) might be introduced without a joynt consent of all three.

The whole Kingdome is greater then the King. *Obj.*

If they mean by whole Kingdome, both King and people, it is very true, but nothing pertinent; for it only signifies that the head is not so great as it self and the rest of the body. But if they understand (as they must if they mean to conclude any thing) the body in opposition to their Soveraign, it is false that *universitas subjectorum est major Rege.* The same reason which makes him above one, makes him above two, and so above ten, and so ten thousand, and so ten millions of thousands; for their assembling together doth not dispense with their duty of allegiance; many or few alters not the quality of the Act; an universal revolt from a lawfull Soveraign is equally Rebellion, as a particular defection of one or more Countyes. *Answ.*

The Orators art is much used in these unhappy times, μικρὰ μεγάλα, and μεγάλα μικρὰ ποιεῖν. misdemenors were once raised into high Treason, and now evident Treason is lessened into necessary defence. That *rhapsody of quotations*, intituled *the treachery, and disloyalty of Papists to their Soveraignes*, &c. brings a very merry plea to take them off from being Traytors; *the statute of the* 25. Edw. 3. c. 2. *runnes in the singular number, If a man shall levy Warr against the King*, &c. *it ought to be*

judged

judged high Treaſons, therefore it extends not to the Houſes who are many and publique perſon, p. 31. If he had ſadly conſidered, how deeply conſcience is engaged in the preſent Warr againſt the King, he would not have endeavoured to ſeduce ſo many into Rebells, and make them forfeit their ſouls upon ſuch pittifull ſubtilties.

If forraigners ſhould inquire under what kinde of government we live, the anſwer muſt be, we live *over a King*. Certainly they will much wonder at the unneceſſary humility of the Houſes, (they challenging to themſelves ſuperiority as the repreſentative all) and conclude them very great Countries, who in their addreſſes to the Prince, their Subject, ſtile themſelves *His Majeſties moſt loyal and faithfull Subjects, the Lords and Commons in Parliament.* They will ſhrewdly ſuſpect, if Majeſty be His due, that Supremacy is ſo alſo: while *Rome* was a popular State, the ſupreme dignity being in the people, was expreſſed by *majeſtas populi Romani*, and after when they had reſigned up their power to Emperours, it was changed into *Auguſtalis Majeſtas*, , taken for the perſon of the Emperour, *C. ubi & apud quem. l. cum ſcimus*, or *Imperialis majeſtas. C. de quadriennii præſc. l. bene à Zenone*, and ſo *Keyſerlich Majeſtaet* at this day for the German Emperour.

The cuſtome of Petitioning him, and ſuch humility in the Title of their Addreſſes and the Preface, (ſuppoſe it ſhould reach no further, yet it) cannot be wholy taken off by the imperiouſneſſe of the matter. Some of that ſide ſeem to be ſcrupled at it, and therefore *plain Scotiſh* tells you, *they hold Declarations to be more ſutable to the ſoveraignty of ſo ſupreme a Court, whoſe power is coordinate with Princes* (we muſt hold ſuperior) *then petitions.*

I have proved in a former diſcourſe, that the King is ſupream head, not in reſpect of ſingle perſons, but the *univerſitas Subjectorum*. For this is comprehended in

in *body politique* compact of all ſorts and degrees of people, which is ſaid to owe next to God a naturall and humble obedience, 24. *H.* 8. *c.* 12. And it is evident, that he is not the head of this or that man, but of all the members in conjunction, of the whole body; for elſe he would be the head of millions of bodies, and by conſequence have as many diſtinct Kingdomes, as particular ſubjects. It is needleſſe to multiply quotations, as the 25. *H.* 8. 21. *this your Graces Realm recogniſes no ſuperior under God, but only your Grace*; or Queen *Elizabeths* publique declaration, that She had *next under God, the higheſt and ſupream government and power over all Eſtates of the Realm of* England, *Eccleſiaſticall or Temporal*, Camd. hiſt. pag. 31.

I will ſumme up the reaſons in brief, which prove, that the King is not *minor univerſis*. Firſt, if both Houſes are above Him, He hath no right of Empire upon them, becauſe *inferior in ſuperiorem non habet imperium*; but this is falſe, for they are ſubject by Law to His commands; when he bids them come, they are bound to come; and when he bids them go, they are bound to go; that is, when he calls them by his Writ, they ought to attend *præſcriptis die & loco*, and he prorogues the aſſembly, or diſſolves it when he thinks fitting. It is no prejudice to this right, that he was gratiouſly pleaſed to reſtrain the excerciſe of it in this preſent Parliament without their conſent, to the end thoſe vaſt debts, which were brought upon this Kingdome, might be diſcharged, and in order to that, good ſecurity might be given to ſuch perſons as were willing to engage their eſtates for the benefit of the common-wealth. I will make no advantage by urging their abuſe of truſt, by which they were enabled to take off that great burthen, which they have made infinitely more heavy; and whereas they might in ſhort time have eaſed this State, our debts hourely grow upon us, and the ſubjects eſtates are but the fuell to feed that fire which ſenſibly conſumes this unhappy Nation.

Notwithſtanding

Notwithſtanding, they have deceived both King and People; Yet His Majeſty cannot ſatisfie Himſelf in their Logique, and ſuffer himſelf to be perſwaded; he may lawfully reſume His right, becauſe they do contrary to truſt. Though the perpetuity of this Parliament was never intended, and it hath been of moſt pernicious conſequence, yet the King will not allow Himſelf any liberty (to diſſolve it) againſt law, upon moſt reall good intentions. Becauſe the preſident is full of danger, and though in the preſent caſe it would be uſed for the benefit of His people, yet hereafter, it probably might be abuſed to their greater diſadvantage.

Secondly, The diviſion of all perſons in this Land is into King and Subjects, liege Lord and liege People, and therefore they muſt be placed in the latter ranke. It is a ſtrange phanſie to abſtract the body politique from all the particulars whereof it is compacted, and to ſalve the Oath of Alleagiance, by telling us, *The univerſe or body politique never ſwore alleagiance or ſupremacy to the King, neither is it poſſible it ſhould. Reply to anſwer to the obſervations*, p. 17. and again, *page* 18. (in anſwer to the 24. *Henry* 8. *cap.* 12. The King is ſupream head unto whom a body politique compact of all ſorts and degrees of people are bounden and ow next to God a naturall and humble obedience) *we muſt not underſtand this, that the Body politique doth owe obedience; but that the ſeverall ſorts and degrees of people, of which this body is compacted and made, that they do owe obedience; for to take it otherwiſe, were to make an abſurd and impoſſible conſtruction*, &c. If every particular man performe his duty of allegiance as he ſtands obliged by oath, let him oppoſe his Metaphiſical body to the King even as he pleaſes. If *the body politique have not ſworn allegiance or ſupremacy, becauſe it is a body only in conſideration of law, that hath neither life or motion, like other individuals*, p. 17. and for the ſame reaſon *doth not owe homage and obedience*, p. 18. How is it capable of rebelling againſt

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the Head? for it cannot fight but by the hands of particular men, and all these are tyed up by divine Law, and their own oathes.

3. They acknowledge themselves his subjects as united in Parliament; and if they should deny it, they could not challenge any benefit from his royal protection.

4. The laws intrust him, not the Houses to protect us.

5. The Houses represent onely subjects opposed to the King, who is their superiour by humane, and consequently divine law, both as their natural King and as Gods anointed, his representative.

6. There is a great difference between the reall and representative all; for though it were true, (as it is not) that he were lesse then the whole people; yet this would not bring the conclusion home to the Houses; who are the people onely to such purposes as the law nominates, viz. for consenting to Laws or Taxes upon the Subject. To all other purposes (wherein Regal power is not expresly limited) the King is the whole people, and what he doth is legally their Act. *Aristotle* tells us of some Kings, that had as full right over their whole realm, as a popular state can have over it self, and all things belonging thereto, 3. pol. 14. To such an one that of the Tragædian is truly and properly applyed.

Σὺ τοι πόλις, σὺ δὲ τὸ δήμιον,
Πεύτανις ἄκειτ' ὢν.

You are the whole City, the whole Common-wealth, and therefore not responsable for any actions. This shews the falsehood of their principles, *Quicquid efficit tale, est magis tale* and *constituens est major constituto, &c.* for though they mean to make advantage of them onely in this Kingdome, yet they conclude against the possibility of making any King absolute, which reason and experience have clearly confuted. For a people if conquered, (their lives and all they have being then in the

the hand of (the victor) or if in fear to be ſwallowed up by a more potent enemy, they may and often have very prudently conſented to place all the legall power of the Kingdome in one man, that he may thereby be enabled to protect them; and where the legiſlative power is unreſtrained, there the rule is abſolute.

To apply this doctrine, In thoſe things wherein the King of *England* is not abſolute, as in the exerciſe of his legiſlative power, and raiſing money without conſent, The Houſes together with Him, repreſent the people; but in ſuch matters, wherein he is abſolute, (that is, wherein he is not reſtrained by Laws which are but limitations of Regal power) there he is *Populus Anglicanus*, legally *the Engliſh Nation*. For example ſake, I will inſtance in the power of making Warr and Peace, if any take up Armes by vertue of any other then his Commiſſion, they oppoſe not the King alone, but the *King* and *People*, as *People* is to be underſtood in Law, for their hands are tyed up, and all their legal ſtrength is in the Kings diſpoſal.

Let us examine their Argument, *The whole people are above their King; therefore the Houſes, becauſe they repreſent them.*

The Antecedent I have ſhewed falſe, becauſe the whole people are but ſuch a number of Subjects who can have no colour of pretence to be above him, whom God and the Law hath placed over them.

The conſequence is as infirm, and the reaſon of it fallacious; for if repreſentatives might challenge all rights appertaining to the perſons by them repreſented, then a Jury ſhall be concluded as honourable as the Houſe of Commons, and then too becauſe the Emperour of *Germany* may challenge of the King of *France* or *England* (not ſuperiority, for they are as ſupreame and independent Princes, as he is, but) precedence, (an honour due to the antiquity of the Empire, for nations

tions as well as persons in joy the benefit of *primo genitu-re*) his Ambassadours also might sit above those Kings, which the Court of Honour guided by the Law of Nations, and reason would pronounce very absurd.

Again, they represent the people onely to some purposes; to make war is none of theirs; The King alone can declare the peoples mind in this case; they have no legal way of expressing themselves but in his Commissions; and therefore the war is not between King and people, but so many particular persons exceeding the trust committed to them against the duty of Allegiance, oppose both King and people. It is very remarkable, that in the beginning of these unhappy contrivances, some multitudes appearing in tumultuous ways, whatever they desired or did, was called the Act of the People, providing for their own safety. But after the sense of miseries had bettered their understandings, to make them discern, this unnatural war was not like to improve the means of preservation; many of them make a Covenant to live peaceably and honestly amongst themselves; so in *Yorkshire* long since, and lately between *Cornwall* and *Devonshire*, and now the Houses interpose, and will not permit the people who were stirred up and encouraged to raise a war against Law, to make peace according to Law; let them trouble the waters as much as they please, they shall be born out in it; but they must not think of setling them, till they have done fishing; This would be a breach of Priviledge. The People are now forced to defend themselves and their goods violently taken from them, for their security; who might soon be happy again, if their friends would be less careful of their safety. It is well known who began to appeal to the People; withall my heart (if Law must be suspended) let them arbitrate the differences. The certain way to know their judgement, and whom they apprehend to be a real defender of what both pretend, our Laws and property, and liberty,

berty, and the eſtabliſhed Religion, is to ceaſe plundering of both ſides, and leave them to their natural inclination. That ſide which confeſſes, it cannot ſubſiſt without uſing violence and oppreſſion, and forcing their eſtates from them, acknowledges that the people, whom they pretend to fight for, is clearly againſt them; and they have ſmall reaſon to challenge a priviledge of breaking all Laws, by vertue of that *paramount Law, Populi ſalus*, when as their unwarrantable courſes ventured on in order to the ſafety of the people, doe manifeſtly conduce (even the People being Judges, and repenting their former folly) to the poverty, ſlavery, and ruine of all.

It remains, I lay down my promiſed concluſion of the whole, that notwithſtanding ſuch a power of reſiſtance, as they or any others have yet openly pleaded for, ſhould be granted lawfull (as when in their own defence, or when he that hath the higheſt authority, and is bound by the Law of God, and his own promiſe or oath, to adminiſter juſtice equally, after frequent repreſentations of their grievances, and moſt juſt complaints of their great ſufferings affords no redreſſe) yet this can be no juſtification of the preſent war againſt the King, nor acquit the Actors in it from being rebels; Becauſe this caſe is evidently not now.

The Armes taken up againſt the King, were not (as is pretended) defenſive, nor in maintenance of any thing which the Subject can challenge as of right.

This War offenſive of the Subjects part.

If we call to minde that unhappy time, when His Majeſty (forced to preſerve himſelf by flying the City, that he might be free at leaſt by abſence, from the ſcorns and dangers of unreprehended, I will not ſay, encouraged tumults) was immediately accuſed to have rebelled againſt himſelf, and was furniſhed with an Army by *Vote*, when he had not ſo much means left him, as could honeſtly feed his family, and it was *Ordered* that this formidable Hoaſt ſhould be apprehended by the ordina-

At *Kingſton* upon Thames.

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ly Miniſters of juſtice in that Country; if our memories will but render a faithful accompt of this contempt, harder to be digeſted then the former popular fury, we may perceive their behaviours towards him, was a ſufficient confutation of their fears of him. They told the people, they were afraid of his power, and yet anſwered their own jealouſies by ſhewing to the world, they were able to take it from Him; He was ſo far from being in a condition to invade their rights, He had not wherewith to defend His own. His inability to revenge indignities was ſo notorious, they durſt be even wanton in abuſing Him. When he wooed them in that gracious Meſſage from *Windſor*, His yeelding ſo much did but tempt them to uſe great rigor. Nothing would ſatisfie, unleſs he would make their *votes* the meaſure of His obedience; for what priviledge had they above private Counſellors, if their advice ſhould not ſway with him more then reaſon? When he requeſted them onely to make known what was wanting to the Kingdoms happineſs, and He would chearfully ſupply it, they think it loſs of time to repreſent particular defects, but put him into ſuch a way as will effect it, to be guided in all things as they ſhall direct, that is, to let them manage His Royal power, who knew better how to govern. Becauſe He will not ſubmit to their blank deſires, by confeſſing His *Vote* to be legally involved in their *Orders*, nor reſign up that power which the Law hath intruſted Him with, and which cannot be ſeparated from the Crown without diſſolution of this government; and therefore He is obliged both in juſtice and honor to preſerve it as the neceſſary means, whereby He is inabled to protect His people; Becauſe, I ſay, He will ſtill be King, and not part with thoſe Rights which God and the Law gives Him, they will diſpenſe with their duty of being Subjects, and challenge a priviledge to take away thoſe Rights, which He will not, when petitioned, fairely deliver. After this, he retires to *York* only deſirous to live ſafely, and contented to ſuffer ſuch an eclypſe of glory, till ſuch time as the abuſed people ſhould recover their underſtandings, and theſe clouds ſhould be diſpelled by a clear apprehenſion of His innocence, and undeſerved ſufferings. Thither the ſtorm purſues Him, His

Rents are ſtopped, that he might become a burthen to the Northern people, and that they might be tempted to part with Him, with as much cheerfulneſs, as they would be rid of the poor of their County. Commiſſioners were pickt out, and ſent amongſt them to incenſe the leſs knowing, and to awe the more honeſt party, from receiving their naked Soveraign into their protection. The dangers they would incur by their perverſe loyalty are laid open. They will certainly be Voted high Malignants, and notorious Delinquents, if they fruſtrate the *pretended Parliaments* injuſtice by their charity; for to what purpoſe did they take his Revenues from him, if others would be allowed to give him ſufficient wherewith to cloth and feed Himſelf? Though ſuch order was taken, by ſeizing his demains: He ſhould not live amongſt them as a King; yet the ſweetneſs of His private and familiar converſation with them, made him an extreamly popular Gentleman. And therefore miſdoubting a general defection to obedience upon tryal of ſo great goodneſs, which increaſed with their injuries, and finding the people (not able to conceal their love of his extraordinary virtues) openly betraying an honeſt pity of their much wronged Maſter, they thought it neceſſary to give law to their fears, by uſurping his power, and exerciſing it in their oppreſſion, whom unwary reſpect towards their Soveraign had made ſuſpected for loyal Subjects. Accordingly all His Arms (and thoſe of the Kingdome beſides, leaſt the people ſhould prevent their own wrongs by a timely revenge of His) are ſeized on, and they poſſeſs themſelves of his Forts, Caſtles, Towns and Navy. After ſuch unparallel'd uſurpations, Regal power being invaded by private hands, a ſmall guard of honeſt Yorkſhire Gentlemen attend the King for his perſonal ſafety, not knowing where their injuries would ſtop; for the bonds of Law being once ſhaken off, their power to oppreſs, or ruin, was as unbounded as their will; by the ſame juſtice he was kept out of *Hull*, they might have kept him in what Village, what Houſe, what Priſon they pleaſed. This Guard of a much ſmaller number then they had kept together many Moneths, was ſcornfully Voted an Army, and Commiſſions are illegally iſſued out to raiſe Forces to ſuppreſs this

this *second* War, made by the King upon himself. The publike motive was fear of violence intended by His Majesty, the private encouragement to less forward Souldiers was the Kings inability to make the least opposition. An Army is levyed against him upon publike pretence of his strength, and perswaded to march against him, upon their private assurance of his weakness. Thousands are listed not to fight, but travel, and are promised to know nothing of war besides the wages, but to enjoy the security and delights of a progress. After all this (to prevent effusion of blood, and those visible calamities which the wild ambition of a few men, hath pull'd upon their unhappy country) He twice sues for Peace, in those most gracious Messages from *Nottingham*, with offer of such large conditions, that if more should be required from him, though when conquered; the Subjects would be losers by it, and they would gain that by a miserable war, which will much diminish the happiness of Peace. They will not now descend to a Treaty with their King; they like his humility, but are not well pleased it was not shewn sooner; only some slender hopes are given, that their General shall have commission to pardon his former unwillingness to suffer, if he can redeem those errors which have put them to expence and trouble, by a constant tameness for the future. From *Nottingham* he flyes to *Shrewsbury* (for they are contented to give him line enough, being confident they can strike him when they please) in the mean time, 'tis good sport to see Himself with fruitless endeavors to escape, when at last being tyred with long and vain strivings, he must be forced to deliver himself quietly into their hands.

Thus was he accused to be the assaulter, who was so long time unable to resist their violence. *Et fuit saluti, quod videbatur certo periturus*, his apparent weakness did deliver him from that power which was ready to swallow him up; they had then destroyed him, if they had not been more wanton then conscientious.

This narration is abundant sufficient to prove the war to be defensive of the Kings part. But I will examine it further by the rules of Justice.

Albericus Gentilis defines war very accurately (presupposing

the law of ſociety, and excluding private Duels) *publicorum armorum juſtam contentionem*, a juſt diſpute of differences by publik ſwords, *l.* 1. *c.* 2. *de jure bel.* juſt, *negante ſenſu*, for that which is not unjuſt, and in the law notion, in reference not to the cauſes (for this is called *pium bellum*) but the authors waging it. Wherefore he ſhews, that it cannot be but between independent States and Princes; Citizens or Subjects cannot be lawful enemies oppoſed to their Prince, becauſe they want ſupreme authority, without which the war is not publike, nor can it be juſtified. The reaſon is, becauſe war is onely excuſed by neceſſity, that is when there is no legal way to end controverſies by prohibiting farther appeals, as amongſt diſtinct States, or ſeveral Princes, who acknowledge no ſuperior, and are not bound to ſubmit to any Court, and may perhaps not agree upon arbitrators, becauſe in ſome caſes none can be named, who are unintereſſed in the deciſion. But I will not inſiſt upon the injuſtice of Subjects making war for any cauſe whatever, upon the ſupreme power, becauſe this was evidenced at large in the *ſecond Section*, where I proved, that a liberty of reſiſtance, doth deſtroy the nature of ſoveraignty or ſupremacy, and introduces *regnum in regno, civitatem in civitate*, by dividing the civil power, which can be but one, if the State or Kingdom be but one.

That of *Cyprian* ſhall be the entrance into our inquiry, concerning the injuſtice of the preſent war of the Subjects part (ſetting aſide their duty of non-reſiſtance by divine law applied to our conſtitutions, and ſuppoſing an equality or independancy between King and Subject) for want of a reaſonable cauſe which might excuſe thoſe great miſchiefs, as being a neceſſary remedy to prevent greater. *Homicidium quum admittunt ſingvli, crimen eſt, virtus vocatur, quum publice geritur.* And there is ſome ground in reaſon, that ſhedding though the blood but of one man ſhould deſerve an ignominious death, and to kill thouſands by publike authority ſhould make our lives glorious. Becauſe there is as vaſt a difference, as between the guilt of murtherers, and the gallantry of men undertaking the adminiſtration of juſtice with perſonal hazard for preſervation of publike rights. Firſt, therefore a *juriſdiction* is required, where laws are wanting

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to make uſe of force for recovery of right (which Subjects cannot have over their Prince) and this doth make *juſtum bellum*. And ſecondly, a ſufficient cauſe is neceſſary; there muſt be reaſonable motives, or elſe it cannot be *pium bellum*. Except we have εὐσεβῆ καὶ δικαίαν τῶ πολέμω πρόφασιν, we commit murder with the ſword of juſtice. The method of the *Romans* was to demand their rights in peaceable way by their Heralds, and in caſe reſtitution was denyed, then war was proclaimed, and the cauſe likewiſe declared (*nec dederunt, nec ſolverunt, nec fecerunt, quas res dari, fieri, ſolvi oportuit*, as we find in *Livy*) that the world might be ſatisfied in the innocence of their unwilling violence. So careful were they to preſerve their credit with mankind, whom it univerſally concerned, that war ſhould not be waged upon light and unjuſtifiable grounds. There muſt be *belli cauſa gravis*, a ſober inducement to make the war defenſive, and if this were not wanting, real injuries having been offered; yet if the cauſe were taken away, by an after readineſs to make full ſatisfaction, if the offended parties would not accept of reſtitution, the war was then eſteemed offenſive of their part, and they became guilty before God for the cauſeleſs effuſion of ſo much blood, and worthily infamous among all good men. *Melior cauſa ad partem pœnitentem tranſibat.*

To apply briefly theſe unqueſtionable rulers of juſtice to the preſent caſe: for I find that long reaſons do as little ſatisfie the common ſort, as none at all, they having but narrow memories, and it being the ſame thing not to know, and not to remember.

I will put but one interrogatory to ſuch as take up Arms againſt the King, *why they are Rebels and Traytors, cui bono?* (for that they are ſo, I appeal to the Judges of the Land, or refer them to the plain and evident Law, 25. *Edw.* 3. Let them ſuppoſe themſelves arraigned, and the Judge to aske what they can ſay for themſelves, why ſentence ſhould not paſs for their condemnation, according to expreſs law. Certainly they could not make a fairer plea then the *Earl of Eſſex*, who had not proceeded to offer violence to the Queen, and yet was adjudged a Traytor for appearing in Arms, only with intention to remove *evil Counſellors.*)

The *pretext* is, in defence of Liberty, Laws, Property, Priviledges of Parliament and Religion.

But the *real cauſe is*, the preferment of a few ambitious perſons, who will not permit the Laws to have their free and uninterrupted courſe, the known ſecurity of the Subjects happineſs, becauſe the orderly adminiſtration of juſtice doth not ſignifie, that the King will beſtow ſuch offices upon them as their inordinate deſires aim at. He cannot doubt the truth of this, who hath read and obſerved the conditions without which they will not ſuffer peace; and to compaſs which his Majeſty hath left no reaſonable ways unattempted. I am confident, he hath offered ſo much to his Subjects, as would content honeſt and moderate conquerors.

Concerning *Laws*, there ſhall not be any other meaſure of mens actions, beſides thoſe known rules. Neither Royal Proclamations, nor fellow Subjects Ordinances, ſhall make the people miſerable under an Arbitrary ſway. Do you deſire to be as happy as your progenitors? you ſhall. For you ſhall enjoy all the ſame Laws by the benefits whereof they lived peaceably, plentifully, gloriouſly. And beſides this, for a further improvement of your happineſs, all thoſe new Laws enacted this Parliament, and the ſeveral additional favors by parting with many known rights (which exceed the Acts of Grace from all his Royal Anceſtors though put together) ſhall be confirmed to you.

Do you deſire to be as free as your Anceſtors? you ſhall; his Majeſty paſſionately requires the Liberty of the Subject ſhould be reſtored, and will take care the people ſhall not loſe their birth-right, by being impriſoned upon his, or, which is worſe, their fellow Subjects illegal diſpleaſure. He will contribute his utmoſt endeavors, that his own Caſtles, the Biſhops houſes, and all other not long ſince honeſt habitations, may be diſgaoled, and the Engliſh may be again acquainted with the comfort of life, freedom of their perſons, and of converſation, and not be baniſhed from their Wives and children for preſuming to make the Laws the rule of their obedience.

Do you deſire the eſtabliſhment of your Property? you ſhall have it. His Majeſty challenges no right to your eſtates,

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and is unwilling Subjects ſhould claim a priviledge to take them from you, only that they may be better enabled to withhold his. No pretences of unknown dangers, or unſeen neceſſity, ſhall juſtifie the violation of Laws which alone can ſecure your inheritances.

Do you deſire Priviledges of Parliament ſhould ſuffer no diminution? They ſhall enjoy them in as high a way, as the Subject in the freeſt and moſt happy days ever challenged.

And laſtly, that Religion which was ſealed with the blood of many holy Martyrs ſince the Reformation, and which ſtands eſtabliſhed by Acts of Parliaments, and flouriſhed in the pureſt times of Queen *Elizabeth*, which no ſober man can think guilty of any inclination to Popery, ſhall be confirmed to you by an impartial execution of all legal penalties appointed againſt offenders.

Thus whatever can reaſonably be pleaded for, is cheerfully offered to us, and we are wooed to accept, what the contrivers of our ruin pretend is ſought for, Laws, Liberty, Property, Priviledges of Parliament and Religion.

Would you have ſecurity for performance of this promiſed happineſs? you ſhall have as great as in juſtice you can require, or reaſon expect; the ſame ſecurity with which the modeſty and wiſdom of former Parliaments were fully ſatisfied, and the Kingdom enjoyed the benefits of their well grounded confidence.

And to compleat all, you ſhall have certain proviſion for a Triennial Parliament. We are reſtored to ſuch a high degree of health, as our Fathers were never acquainted with, and moreover ſuch a courſe is taken to time this State Phyſick (it was never intended Parliaments ſhould be our conſtant diet) as will probably prevent future diſtempers.

What fury hath robbed men of their underſtandings, that they cannot be perſwaded to be happy! that their malice ſhould increaſe with their calamities! that they ſhould hate, and tear, and kill one another they know not why! For upon my ſoul, a great part of their Army would not impoſe upon others, nor admit themſelves of the Browniſts, or Anabaptiſts Creeds; neither would they think this Kingdom unhappy (ſo they might get ſome honeſt imployment,

as honourable opportunities would not be wanting in Foraign Nations, if we had once recovered our former reputation, with that wealth and quiet we lately injoyed) though eight or ten men ſhould looſe their miſchiefs, and not get thoſe offices, which they valued, above the riches, and quiet, and honor, of their Nation.

What one thing hath his Majeſty denyed them, which he had not full right ſo to do? And, *qui jure ſuo utitur, nemini injuriam facit*; except they can alleadge ἀδικήματα, very conſiderable injuries offered to them, and a refuſal to give ſatisfaction, the war is manifeſtly unjuſt on their ſide; we at the worſt ſhall fall martyrs, and they at beſt will live murtherers, all the blood which hath been ſhed will be brought in upon their accompt, all thoſe rapines and ſacriledges, the robbing God, and men, will lye upon their heads.

In matters of Law he hath not rejected any thing, and in matters of meer grace and favour, he hath been bountiful above all his royal Anceſtors, and ſo extremely tender is he in giving all content to his two Houſes, that he could not prevail with himſelf to deny, but he reſerves his aſſent till ſuch time, as they can ſhew him ſome reaſonable motive, whereby he may be invited to grant.

As he hath been content in his love and proſecution of peace, ſo he hath taken extraordinary pains in ſolliciting His Houſes to cut off the unneceſſary injuries of war, by laying down plundering and other cauſeleſs violences committed upon Eſtates or perſons on both ſides: his Royal heart bleeding even for the unavoidable preſſures the people have pull'd upon themſelves. His Souldiers will rule their actions by the counſel of *John* the *Baptiſt*, and be content with their wages, and cheerfully hazard their lives in defence of ſo honeſt a cauſe, by as honeſt means. If they are not able to pay their Army, what ſecret moath and canker hath conſumed that vaſt treaſure? Their want of money is a great argument of the unſearchable judgement of God, who can make them ſtill poor, though they take a liberty to ſeize the wealth of the Kingdom. O that the people would but yet conſider how unlikely it is the State can thrive hereafter under ſuch Stewards!

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He that ſadly calls to minde the height of happineſſe from which we are lately falne, all paſt grievances being fully remedied, and future preſſures probably prevented, and conſiders how often His Majeſty hath intreated, importuned us to accept again of that bleſſed condition, may well wonder that our calamities ſhould yet continue, that they ſhould hourely grow upon us. I would willingly baniſh from my thoughts thoſe melancholy obſervations of Hiſtorians, *Quos Deus vult perdere, prius dementes facit*, & *Quorum fortunam Deus mutare conſtituit, conſilia corrumpit.* But they have ſo ſtrongly poſſeſt my fancy, that I am almoſt tempted to fear, ſuch a general loſs of mens reaſon, is but the fatal forerunner of an univerſal deſtruction.

Our condition ſtands thus; Though the King hath not yet nor ever will hereafter deny any thing of right (thoſe deſires which are regulated by Laws ſhall be no ſooner preſented to Him, then granted) and though he hath indulged extreamly much of favour (more then our Fathers had the boldneſs to crave) nevertheleſs we cannot prevaile with our ſelves to injoy ſo great bleſſings, unleſs Hee will conſent likewiſe to their other requeſts, ſome of which He may think He is obliged not to paſs in juſtice, there being no light motives to induce Him to believe, He hath ſworne againſt it at His Coronation; and ſome, He cannot grant with honour and without betraying that truſt committed to Him by God and the Law for the benefit and protection of His people.

He is deſired to ſigne the Bill for abolition of Epiſcopacy (that which acquainted this Land with Chriſtianity) and to diminiſh the Rights of the Church, and take away Eccleſiaſticall revenues, that He may be remembred in ſtory, as the unfortunate inſtrument to pull down what the charity of many ages hath been building, and to deſtroy many pious Monuments, and glorious teſtimonies of our forefathers chriſtianity and to ruine what the devotion of our godly Anceſtors hath contributed for the encouragement of learning and advancement of Religion.

To ſay nothing to the politique part, how the Eccleſiaſticall and Civill State are ſo interwoven, that the foundation of the whole may thereby be ſhaken, and how they are very

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good reaſons to ſuſpect a Presbyteriall Government will prove extreamly prejudicial to Monarchy; I ſhall ſpeak only to the Religion of this requeſt. And firſt, I would willingly know, whether there be ſuch a ſin, as we have hitherto uſed to call Sacriledge (ſo ſeverely puniſhed upon the Heathens, the violation of things dedicated to falſe Deities, being notoriouſly revenged by the true God, and ſo extreamly abhorr'd by all good Chriſtians in former ages) and then, whether Magiſtrates have any diſpenſation to commit Sacriledge innocently, by which private men incurre a laſting infamie, and eternall damnation.

Secondly, I would willingly be ſatisfied in this *Quære*, whether the King having ſworne to preſerve the Rights and Immunities of the Church intire, can innocently conſent (ſuppoſing Him fully informed in the nature of that right which belongs to His Clergy; for the moſt religious Prince may be ſubject to miſtake) to leſſen or abrogate them, except releaſed by the conſent of that Body to whom He is obliged? This poynt rightly ſtated (I ſhall only offer it to be ſeriouſly meditated on, without any peremptory determination) may confirme, the Lands of the Church for the future to the great improvement of our civill happineſs. For (beſides that we might reaſonablypromiſe to our ſelves a bleſſing from the Almighty, if we ſhew our ſelves as carefull to ſettle thoſe Rights which tend to the advancement of his worſhip by a firm eſtabliſhment of a certain and honourable maintenance for his more immediate ſervants, as we are juſtly ſollicitous to ſecure our ſecular intereſts, by making proviſion that no mans Rights ſhall be alienated without the owners conſent) a great temptation, and that which ſeems to have the ſtrongeſt influence in all attempts, or innovation would thereby be cut off, the hopes of repairing their decayed fortunes with the ſpoyls of the Church. We ſhall finde in ſtories, that moſt of thoſe ſtormes which diſturbed former calmes, and by which this Kingdome ſundry times hath been miſerably ſhaken, were raiſed only with intention to ſink the Church by ſuch as promiſed to themſelves conſiderable ſhares in the wreck.

Some anſwer; He is equally ſworne to the obſervation of Laws;

Laws? But these He may alter, with advice of both Houses. Thus one, *I do not conceive Him more bound to defend them by His Oath, then the rest of the Laws enacted, any of which when the Kingdome desires should be abrogated, I hope is done without Perjury.* That which is commonly called the Lawyers *Answer to Dr. Ferne*, p. 31. This doth by no means take off my scruple, because His Oath to defend His Laws enacted, is made *populo Anglicano*, to His people, and so (as all other promises by consent of the parties to whom a right was transferred) may be, and really is forgiven by them represented in Parliament to that purpose. But this other oath is made to such a part of His people, *Clero Anglicano*, and particularly taken by Him after His Oath to the whole Realm, which were needless, except it meant some other obligation. This seems to prove it a distinct Oath, and not reasonable without their consent. Upon the same grounds that these rights are pleaded void, if Voted down, notwithstanding they to whom they belonged, expresse not their will to part with them, the strongest security *England* can give, is weakned and discredited, that is the ingagement of the Kingdom to repay such sums by consent of King and Lords and Commons, which and which only is publique Faith. In such a case, can the City be Voted payd, except they willingly release the debt? if they should be told, their rights are not stronger then laws, but these are made null at the desire of the Kingdom in Parliament, they would soon apprehend their logique to be extreamly faulty, and it is probable that they would maintain, that the representative Kingdome in Parliament cannot dispense with the Kings obligation to a particular body of His Subjects in whom alone the power of releasement doth lye.

He is desired to nominate such Offices to mannage the great affaires of state, as they shall confide in; that is to yield up His undoubted right, happily enjoyed by all His Royall Progenitors, into their disposall, & to determine His choice by arbitary fears. If they will confide in those, whom the Laws do not distrust, the King hath satisfied even this request; for he will not prefer any against whom they can bring just and legall exceptions. But he thinks it no good

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argument to induce him to turne out able honeſt Miniſters (who may challenge from his accuſtomed goodneſs that priviledge of *quàm diu ſe bene geſſerint*) meerly becauſe others deſire to have their places. They themſelves would conceive it very hard uſage to be put out again upon the ſame title, when no legall exceptions were produced againſt them, and therefore they preſſe his majeſty to ſecure them (when once in) by Law, and yet will not permit him to be ruled by their advice out of equity, and to continue His favours to thoſe men, who by a faithfull diſcharge of their places, have ſhewed themſelves worthy of that truſt; if it will be reaſonable then, it is ſo now, to encourage faithfull ſervants by making their own offences only, and not other mens *feares*, the rule by which they ſhall ſuffer. *Nemo illis ſic timere permiſit.* They might as well tell the world in plain Engliſh) but that advantages are ſtill made of the peoples blindneſſe) *except the King will grant ſuch preferments to us and our favourites* (for let Him nominate whom He will, they will never confide, unleſſe He guide his nomination by their inſtructions, who are to approve them, and the truth is, when they have gained one, He hath reaſon to requeſt them to take the other, for they will ſave Him the trouble of naming in vain, and He may thereby conceal His hurtfull affection, and not expoſe his beſt friends to diſhonourable repulſes) *except we may be Patrons* (they would once have been contented to be only the preſent incumbents, and ſuffer Him to retaine the right to beſtow them freely for the future time) *we ſhall never indure peace, and yet we muſt be forced to caſt the envy of ſo miſerable a warr upon him.*

All underſtanding and diſ-intereſted perſons muſt clearly diſcern, it is the ſame in juſtice, not to conſent, the people ſhould be happy, and to keep up theſe publique calamities, untill they ſhall be ſatisfied in their illegall, unreaſonable propoſalls. Though it be a more politique way, *duris conditionibus pacem pati vele*, to expreſſe a deſire of peace, but not to admit it, but upon unequitable and unjuſt conditions, yet it is equally diſhoneſt, as to deny it down right. They are altogether inexcuſable, unleſſe they will make ſuch propoſals, whereby it may appear, they covet not anothers, but only

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to preſerve their own rights, which the King freely offers to them without diminution of the leaſt-title, and with unpreſidented enlargements by many additionall favours in this preſent Parliament.

He is deſired to make the Houſes ſharers with him in ordering the *Militia*, and to grant them a right to ſuppreſs all forces but ſuch as ſhall be raiſed by their conſent.

This requeſt is evidently deſtructive of that fundamentall Law, which intruſts this power in the Crown alone to enable the King to protect His Subjects and the Laws. The benefits of which conſtitution our happy Anceſtors enjoyned and the greateſt preſſures the Engliſh nation at any time ſuffered under, did ſpring from this fountain, when Subjects undertook the managery of this regall right.

Becauſe their deſire is diſcountenanced by Law (and being ſo though it were as really beneficial, as it is truly pernicious to the peace and quiet of a State, opening a gap to civill diſſentions, neceſſarily ariſing from the oppoſite intereſts of conſorts in power; though it might be reaſonably wiſhed, yet it cannot be innocently fought for) They endeavour to juſtify it by reaſon of State, and plead the neceſſity of it, as being the only cure of *fears* and *jealouſies*.

The recovery of this Kingdome were certainly deſperate, if His Majeſty too ſhould grow fearfull and jealous, who hath been more unanſwerably tempted to give admittance to theſe unhappy paſſions. For if they might ſeize on his power by the Law of fears if that it is taken from him, becomes a motive to perſwade him to give them right to keep it, might not he with greater ſhew of reaſon, require an inlargement of his former power, becauſe it is manifeſt (though they pretended to be afraid of it) it was not able to ſecure him from their violence. Much more might be pleaded, why he ſhould be enabled to keep what the Law gives him, then they not to reſtore what they have illegally taken from him. But he contents himſelf with the ordinary means of ſafety appointed by Law, and will not make himſelf juſtly formidable, by giving entertainment to unjuſt feares, and challenging a priviledge to doe injuries, becauſe it is not impoſſible, he may ſuffer them, and may looſe his own rights, except he diſable

diſable others by invading theirs. If this principle ſhould once prevail, peace and juſtice were loſt to mankinde; for it would ſtill be ſome-bodies turne to be afraid, and that would give them a right to greater power, which right would ceaſe as ſoon as they were poſſeſt of it; and the true title to power would alwayes be in thoſe who wanted it. There is no other way to get out of this maze and confuſion, to which their wilde fears unavoidably berray a State, but by prevailing with our reaſon, not to ſuſpect thoſe whom the Laws have not ſuſpected. For as jealouſies againſt Law are cauſeleſſe, ſo they are altogether remedileſſe. *The fuller anſwer to Doctor Ferne*, endeavours to excuſe them by vertue of a Commiſſion from this principle, *abundans cautela non nocet*; but wofull experience hath evidenced the contrary; he tells us further, *State jealouſie hath no right hand errour, none on the exceſſe ſide; the more the better*, pag. 27. It is much worſe then private jealouſie, becauſe this is but the miſery of a family, that the unhappineſſe of a Kingdom.

To ſumm up all, though ſome have gone ſo farr, to indulge to ſubjects a liberty to take up arms in maintenance of *old laws*, yet no ſober author can be produced, who makes it lawful to fight againſt their Soveraign for the eſtabliſhment of *new laws*. It is not poſſible a ſtrong deſire of innovation ſhould take off the guilt of ſo unnaturall a Warr.

The King requires nothing but (what the Subjects cannot deny without injuſtice, without perjury, and conſequently, the guilt of all that bloud which is, or ſhall, or might be ſpilt,) his known legall rights, and he denies nothing which the Subject can by Law challenge, and hath indulged ſo much of grace, as all ages cannot parallel, and yet is ſtill ready to conſent farther, if any reaſons ſhall be produced to invite greater favours.

How will poſterity hate this example, and bluſh at the unworthy ſtory of our proceedings, who have diſcouraged good Kings by theſe ungrateful requitals of ſuch eminent deſervings towards his people! If we had not with our peace, and plenty, and innocence, loſt our reaſon too, wee ſhould quickly be perſwaded to accept of ſo great happineſs, and

not

not perverſely hazard an ignominious death, onely to make our lives miſerable. How are we become beaſts in our underſtanding, as if onely capable to ſuffer without any apprehenſion of the cauſes or remedies?

The reſult of all is; life and death are ſet before the people; it is in their election to be again happy; but they chooſe theſe miſerable things, and are active in their own ruine. For it will come to that, if they ſtop not in their wild progreſs. The husbandmans ſtore being conſumed, the paſture unſtocked, though wee eſcape the ſword or bullet, we ſhall be devoured by famine, or elſe periſh by plagues, or fluxes, the fatall productions of unwholſome dyet.

It concernes us to pray unto Almighty God, that he would be pleaſed to reſtore us to our wits, for if he would make us wiſe, we ſhould ſoon make our ſelves happy, by bringing the pernicious authors of theſe our miſeries to a legal tryal; we ſhould then clearely ſee, that the preferment of a few men ought not ſo to ſway with us, that we ſhould ſacrifice our Liberty and Property, and ſuffer the Lawes to be violated, the Proteſtant Religion to be diſhonoured, only in order to ſatisfie ſome particular mens ambition, That indignation of the people in *Virgil* (engaged in a miſerable warr, to gain that with blood and ruine, the want whereof was no diminution to their happineſs) would too well fit the *Engliſh Nation.*

Scilicet ut Turno contingat Regia conjux,
Nos animæ viles, inhumata, inſletáque turba
Sternamur campis!

Muſt we die like dogs, that they may live like princes! How are the *oppreſſed commons* concerned in thoſe mens illegal gainings, that they ſhould be contented to loſe their eſtates, and lives, and ſoules, in proſecution of none of their own intereſts? They fall unlamented, unregarded, while the contrivers of theſe miſchiefes, ſit ſafe, expoſing others to the dangers, grow rich, while the impoveriſhed Kingdome is ready to ſink under the burthen of its debts,

debts, and are even wanton in our oppreſſions.

Since therefore the onely ground of this unnatural warr is, that His Majeſty will not permit us to be leſs happy then our Anceſtors, chooſing rather to ſuffer ſo many injuries, and to expoſe His Royal Perſon to the dangers of open hoſtility, then to wrong his Subjects and purchaſe ſafety or plenty, by making ſuch Lawes, as private intereſts would force upon Him and the Kingdome.

Since He denyes nothing but the abolition of our good old cuſtomes which long experience hath confirmed to be extreamly beneficial to this Nation.

Since they reject *peace*, upon pretext, it comes not accompanied with *truth*, and meane by *truth*, not the Proteſtant Religion, as it is ſetled in this Kingdome and eſtabliſhed by Act of Parliament, but ſome *moveable Creed*, the Articles whereof it ſhall be their *priviledge* to abrogate, and to make it ſpeak new doctrines, according as they will ſuit beſt with their civil intereſts.

Since they fight, not for certain and known Lawes, not for a certaine and known Religion, that is, not ro reſtore, but to take away, and which is more intollerable, that they may adde as yet they know not what.

It is evident, the reſiſtance now made is moſt offenſive of the Subjects part, and doth unavoidably incurre the Apoſtles ſentence, *damnation*.

Daviesius perlegit

FINIS.